

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

LYAURY RODRIGUEZ,
Defendant.

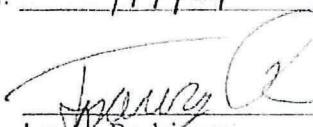
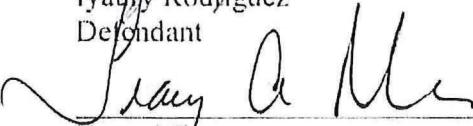
E.D. OF PA. CASE #21cr245 - FILE

Case No. 20-CR-10213-LTS

CONSENT TO TRANSFER OF CASE FOR PLEA AND SENTENCE

I, defendant Lyaury Rodriguez, have been informed that a nine-count Indictment is pending against me in the above case, and have been provided a copy of the Indictment. I wish to plead guilty to the offenses charged. I consent to the disposition of the case in the Eastern District of Pennsylvania, where I am currently held in connection with a different pending criminal case, and waive trial in the District of Massachusetts.

Dated: 5/17/21, 2021


Lyaury Rodriguez
Defendant

Tracy Miher
Counsel for Defendant

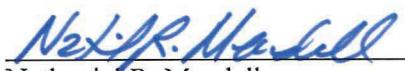
United States v. Iyaury Rodriguez, 20-CR-10213-LTS,
Consent to Transfer of Case for Plea and Sentence,
Page 2 of 2

CONSENTED TO:



Elianna J. Nuxum, AUSA
Adam W. Deitch, AUSA
District of Massachusetts

APPROVED:



Nathaniel R. Mendell
Acting United States Attorney for the
District of Massachusetts



Jennifer Arbittier Williams
Acting United States Attorney for the
Eastern District of Pennsylvania

E.D. OF PA CASE #21cr245 - FILE

CASREF,INTERP,VICTIM

United States District Court
District of Massachusetts (Boston)
CRIMINAL DOCKET FOR CASE #: 1:20-cr-10213-LTS-1

Case title: USA v. Rodriguez

Magistrate judge case number: 1:20-mj-06558-MPK

Date Filed: 09/29/2020

Assigned to: District Judge Leo T.

Sorokin

Referred to: Magistrate Judge M.

Page Kelley

Defendant (1)

Iyaury Rodriguez

represented by **Tracy A. Miner**
Miner Siddall LLP
101 Federal Street
Suite 650
Boston, MA 02110
617-202-5890
Fax: 617-202-5893
Email: tminer@msdefenders.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

18:1343 – WIRE FRAUD

(1-3)

18:1028A(a)(1) – AGGRAVATED
IDENTITY THEFT

(4-6)

42:408(a)(7)(B) – FALSE
REPRESENTATION OF SOCIAL
SECURITY NUMBER
(7-9)

Disposition

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level
(Terminated)

None

Complaints

42 U.S.C. § 408(a)(7)(B) False Representation of a Social Security Number ; 18 U.S.C. § 1028A Aggravated Identity Theft; 18 U.S.C. § 1343 Wire Fraud

Disposition

Plaintiff

USA

represented by **Adam W. Deitch**
 United States Attorney's Office
 District of Massachusetts
 J. Joseph Moakley U.S. Courthouse
 One Courthouse Way, Suite 9200
 Boston, MA 02210
 617-748-3123
 Email: adam.deitch@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Elianna J. Nuzum

United States Attorney's Office MA
 1 Courthouse Way
 Suite 9200
 Boston, MA 02210
 617-748-3100
 Email: elianna.nuzum@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Email All Attorneys

Email All Attorneys and Additional Recipients

Date Filed	#	Page	Docket Text
09/09/2020	1	7	ELECTRONIC NOTICE of Case Assignment as to Iyaury Rodriguez ; Magistrate Judge M. Page Kelley assigned to case. (Finn, Mary) [1:20-mj-06558-MPK] (Entered: 09/09/2020)
09/09/2020	2	8	MOTION to Seal as to Iyaury Rodriguez by USA. (Belmont, Kellyann) [1:20-mj-06558-MPK] (Entered: 09/09/2020)
09/09/2020	3	9	Magistrate Judge M. Page Kelley: ENDORSED ORDER entered granting 2 Motion to Seal as to Iyaury Rodriguez (1). "Allowed" (Belmont, Kellyann)

			[1:20-mj-06558-MPK] (Entered: 09/09/2020)
09/09/2020	<u>4</u>	10	SEALED COMPLAINT as to Iyaury Rodriguez (1). (Attachments: # <u>1</u> Affidavit, # <u>2</u> JS45)(Belmont, Kellyann) [1:20-mj-06558-MPK] (Entered: 09/09/2020)
09/09/2020	<u>5</u>	24	Arrest Warrant Issued by Magistrate Judge M. Page Kelley as to Iyaury Rodriguez. (Belmont, Kellyann) [1:20-mj-06558-MPK] (Entered: 09/09/2020)
09/10/2020	<u>6</u>	25	MOTION to Unseal Case as to Iyaury Rodriguez by USA. (Belmont, Kellyann) [1:20-mj-06558-MPK] (Entered: 09/10/2020)
09/10/2020	7	26	Magistrate Judge M. Page Kelley: ELECTRONIC ORDER entered granting <u>6</u> Motion to Unseal Case as to Iyaury Rodriguez (1) (Belmont, Kellyann) [1:20-mj-06558-MPK] (Entered: 09/10/2020)
09/29/2020	<u>8</u>	27	INDICTMENT as to Iyaury Rodriguez (1) count(s) 1-3, 4-6, 7-9. (Attachments: # <u>1</u> JS45)(Alves-Baptista, Antonia) (Attachment 1 replaced on 9/29/2020) (Alves-Baptista, Antonia). (Entered: 09/29/2020)
09/30/2020	9	36	ELECTRONIC NOTICE of Case Assignment as to Iyaury Rodriguez ; District Judge Leo T. Sorokin assigned to case. If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge M. Page Kelley. (Finn, Mary) (Entered: 09/30/2020)
09/30/2020	10	37	District Judge Leo T. Sorokin: ELECTRONIC ORDER entered. Order Referring Case to Magistrate Judge M. Page Kelley Reason for referral: Full Pretrial Proceedings as to Iyaury Rodriguez (Alves-Baptista, Antonia) (Entered: 09/30/2020)
11/17/2020	11	38	<p>ELECTRONIC NOTICE OF HEARING for Initial Appearance as to Iyaury Rodriguez. Initial Appearance set for 11/24/2020 03:15 PM in Remote Proceeding : Boston before Magistrate Judge M. Page Kelley.</p> <p>This hearing will be conducted by video conference. Counsel of record will receive a video conference invite at the email registered in CM/ECF. If you have technical or compatibility issues with the technology, please notify the session's courtroom deputy as soon as possible.</p> <p>Access to the hearing will be made available to the media and public. In order to gain access to the hearing, you must sign up at the following address: https://forms.mad.uscourts.gov/courtlist.html.</p> <p>For questions regarding access to hearings, you may refer to the Court's general orders and public notices available on www.mad.uscourts.gov or contact media@mad.uscourts.gov.</p> <p>(Belmont, Kellyann) (Entered: 11/17/2020)</p>
11/17/2020	12	40	ELECTRONIC NOTICE OF RESCHEDULING as to Iyaury Rodriguez: Initial Appearance set for 11/23/2020 02:30 PM in Remote Proceeding : Boston before Magistrate Judge M. Page Kelley.

			<p>This hearing will be conducted by video conference. Counsel of record will receive a video conference invite at the email registered in CM/ECF. If you have technical or compatibility issues with the technology, please notify the session's courtroom deputy as soon as possible.</p> <p>Access to the hearing will be made available to the media and public. In order to gain access to the hearing, you must sign up at the following address: https://forms.mad.uscourts.gov/courtlist.html.</p> <p>For questions regarding access to hearings, you may refer to the Court's general orders and public notices available on www.mad.uscourts.gov or contact media@mad.uscourts.gov.</p> <p>(Belmont, Kellyann) (Entered: 11/17/2020)</p>
11/23/2020	13	42	<p>ELECTRONIC NOTICE CANCELING HEARING as to Iyaury Rodriguez. Hearing or Deadline canceled: Initial Appereance set for 11/23/2020 is cancelled and will be rescheduled. (Belmont, Kellyann) (Entered: 11/23/2020)</p>
11/24/2020	14	43	<p>ELECTRONIC NOTICE OF HEARING for Initial Appearance as to Iyaury Rodriguez.</p> <p>This hearing will be conducted by video conference. Counsel of record will receive a video conference invite at the email registered in CM/ECF. If you have technical or compatibility issues with the technology, please notify the session's courtroom deputy as soon as possible.</p> <p>Access to the hearing will be made available to the media and public. In order to gain access to the hearing, you must sign up at the following address: https://forms.mad.uscourts.gov/courtlist.html.</p> <p>For questions regarding access to hearings, you may refer to the Court's general orders and public notices available on www.mad.uscourts.gov or contact media@mad.uscourts.gov.</p> <p>Initial Appearance set for 12/1/2020 01:00 PM in Remote Proceeding : Boston before Magistrate Judge M. Page Kelley. (Belmont, Kellyann) (Entered: 11/24/2020)</p>
12/01/2020	15	45	<p>ELECTRONIC NOTICE CANCELLING HEARING as to Iyaury Rodriguez. Due to technical issues at the institution the Initial appearance set for 12/1/2020 in front of Chief Magistrate Judge Kelley is cancelled and will be rescheduled. (Belmont, Kellyann) (Entered: 12/01/2020)</p>
12/02/2020	16	46	<p>ELECTRONIC NOTICE OF HEARING for Initial Appearance as to Iyaury Rodriguez.</p> <p>This hearing will be conducted by video conference. Counsel of record will receive a video conference invite at the email registered in CM/ECF. If you have technical or compatibility issues with the technology, please notify the session's courtroom deputy as soon as possible.</p>

			<p>Access to the hearing will be made available to the media and public. In order to gain access to the hearing, you must sign up at the following address: https://forms.mad.uscourts.gov/courtlist.html.</p> <p>For questions regarding access to hearings, you may refer to the Court's general orders and public notices available on www.mad.uscourts.gov or contact media@mad.uscourts.gov.</p> <p>Initial Appearance set for 12/4/2020 11:30 AM in Remote Proceeding : Boston before Magistrate Judge M. Page Kelley. (Belmont, Kellyann) (Entered: 12/02/2020)</p>
12/04/2020	17	48	<p>Electronic Clerk's Notes for proceedings held before Magistrate Judge M. Page Kelley: Initial Appearance and Arraignment as to Iyaury Rodriguez (1) Counts 1–3,4–6,7–9 held via video on 12/4/2020. Hearing held in open Court. Interpreter sworn. Court has colloquy with defendant about whether or not he waives his presence in the courtroom for the hearing. Defendant waives his presence in the courtroom for the hearing and Court finds waiver knowing and voluntary. Court goes over the proceedings and advises defendant of his rights. Court has colloquy with defendant about whether or not he understands the charges and his rights. Court appoints attorney Miner as of 11/23/20 subject to review of financial affidavit. Government states charges and maximum possible penalties. Defendant waives formal reading of indictment. Not Guilty Plea entered by Iyaury Rodriguez (1) on Counts 1–3,4–6,7–9. Government moves for detention. Defendant is currently awaiting trial in Pennsylvania. Court has colloquy with defendant and with enter a voluntary order of detention pursuant to US v. King. Initial Status Conference set for 2/5/2021 12:00 PM in Remote Proceeding : Boston before Magistrate Judge M. Page Kelley. Order excluding time under the Speedy Trial Act to issue. (Attorneys present: Adam Deitch for the government and Tracy Miner for the defendant. Steven Killelea for Probation.)Court Reporter Name and Contact or digital recording information: Debra Joyce at joycedebra@gmail.com. Interpreter name: Joaquin Font, Language: Spanish. (Belmont, Kellyann) (Entered: 12/04/2020)</p>
12/04/2020	<u>18</u>	50	<p>Magistrate Judge M. Page Kelley: ORDER entered. Order on Detention Motion as to Iyaury Rodriguez (Belmont, Kellyann) (Entered: 12/04/2020)</p>
12/04/2020	<u>19</u>	51	<p>Magistrate Judge M. Page Kelley: ORDER entered. ORDER PURSUANT TO FEDERAL RULE OF CRIMINAL PROCEDURE 5 as to Iyaury Rodriguez (Belmont, Kellyann) (Entered: 12/04/2020)</p>
12/04/2020	<u>20</u>	52	<p>Magistrate Judge M. Page Kelley: ORDER entered. ORDER ON EXCLUDABLE DELAY as to Iyaury Rodriguez. Time excluded from 12/4/2020 until 2/5/2021. Reason for entry of order on excludable delay: 18 USC 3161(h)(7)(A) Interests of justice. (Belmont, Kellyann) (Entered: 12/04/2020)</p>
01/26/2021	<u>22</u>	54	<p>Assented to MOTION for Protective Order as to Iyaury Rodriguez by USA. (Attachments: # <u>1</u> Text of Proposed Order (Stipulated Protective Order))(Deitch, Adam) (Entered: 01/26/2021)</p>
01/27/2021	23	62	<p>Magistrate Judge M. Page Kelley: ELECTRONIC ORDER entered granting <u>22</u> Assented-to Motion for Protective Order as to Iyaury Rodriguez (1) (Belmont, Kellyann) (Entered: 01/27/2021)</p>

02/03/2021	<u>24</u>	63	STATUS REPORT (<i>Joint Initial Status Report and Request to Cancel Conference</i>) by USA as to Iyaury Rodriguez (Deitch, Adam) (Entered: 02/03/2021)
02/03/2021	25	66	ELECTRONIC NOTICE CANCELLING HEARING as to Iyaury Rodriguez. In light of joint status report # <u>26</u> The status hearing set for 2/5/2021 in front of Chief Judge Kelley is cancelled and a further status to be set. (Belmont, Kellyann) (Entered: 02/03/2021)
02/03/2021	<u>26</u>	67	Magistrate Judge M. Page Kelley: ORDER entered. ORDER ON EXCLUDABLE DELAY as to Iyaury Rodriguez. Time excluded from 2/5/2021 until 3/25/2021. Reason for entry of order on excludable delay: 18 USC 3161(h)(7)(A) Interests of justice. Interim Status Conference set for 3/25/2021 11:15 AM in Courtroom 24 before Magistrate Judge M. Page Kelley. (Belmont, Kellyann) (Main Document 26 replaced on 2/4/2021) (Belmont, Kellyann). (Entered: 02/03/2021)
03/24/2021	<u>27</u>	69	STATUS REPORT (<i>Joint Interim Status Report and Request to Cancel Status Conference</i>) by USA as to Iyaury Rodriguez (Deitch, Adam) (Entered: 03/24/2021)
03/25/2021	28	73	ELECTRONIC NOTICE CANCELING Interim Status Conference as to Iyaury Rodriguez based on joint submission filed by counsel. New date and Order on Excludable Delay to issue. (Belpedio, Lisa) (Entered: 03/25/2021)
03/25/2021	<u>29</u>	74	Magistrate Judge M. Page Kelley: ORDER ON EXCLUDABLE DELAY as to Iyaury Rodriguez. Time excluded from March 25, 2021 until May 10, 2021. Reason for entry of order on excludable delay: 18 USC 3161(h)(7)(A) Interests of justice. Final Status Conference set for 5/10/2021 10:45 AM in Remote Proceeding : Boston before Magistrate Judge M. Page Kelley. (Belpedio, Lisa) (Entered: 04/07/2021)
05/04/2021	<u>30</u>	76	STATUS REPORT (<i>Joint Status Report and Request to Cancel Hearing</i>) by USA as to Iyaury Rodriguez (Nuzum, Elianna) (Entered: 05/04/2021)
05/06/2021	31	79	ELECTRONIC NOTICE CANCELLING HEARING as to Iyaury Rodriguez. In light of Joint Status Report, # <u>30</u> , the Final Status hearing set in front of Chief Magistrate Judge Kelley on 5/10/21 is cancelled. Further status to be set. (Belmont, Kellyann) (Entered: 05/06/2021)
05/06/2021	<u>32</u>	80	Magistrate Judge M. Page Kelley: ORDER entered. ORDER ON EXCLUDABLE DELAY as to Iyaury Rodriguez. Time excluded from 5/10/2021 until 7/9/2021. Reason for entry of order on excludable delay: 18 USC 3161(h)(7)(A) Interests of justice. Final Status Conference set for 7/9/2021 10:45 AM in Remote Proceeding : Boston before Magistrate Judge M. Page Kelley. (Belmont, Kellyann) (Entered: 05/06/2021)
06/22/2021	<u>33</u>	82	MOTION to Transfer Case to Eastern District of Pennsylvania. as to Iyaury Rodriguez. (Miner, Tracy) (Entered: 06/22/2021)
06/23/2021	34	84	District Judge Leo T. Sorokin: ELECTRONIC ORDER entered re <u>33</u> Motion to Transfer Case to Eastern District of Pennsylvania as to Iyaury Rodriguez (1). ALLOWED. (Pacho, Arnold) (Entered: 06/23/2021)

MIME-Version:1.0

From:ECFnotice@mad.uscourts.gov
To:CourtCopy@localhost.localdomain
Bcc:
--Case Participants:
--Non Case Participants:
--No Notice Sent:

Message-Id:8952206@mad.uscourts.gov

Subject:Activity in Case 20-6558 Sealed v. Sealed (Redacted Notice)

Content-Type:text/html

NOTE: This docket entry (or case) is sealed, no email notices have been sent.

United States District Court

District of Massachusetts

Notice of Electronic Filing

The following transaction was entered on 9/9/2020 at 3:38 PM EDT and filed on 9/9/2020

Case Name: USA v. Rodriguez

Case Number: 1:20-mj-06558-MPK *SEALED*

Filer:

Document Number: 1(No document attached)

Docket Text:

ELECTRONIC NOTICE of Case Assignment as to Iyaury Rodriguez ; Magistrate Judge M. Page Kelley assigned to case. (Finn, Mary)

1:20-mj-06558-MPK *SEALED*-1 No electronic public notice will be sent because the case/entry is sealed.

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

vs.

IYAUARY RODRIGUEZ

Case No. 20-MJ-6558-MPK

GOVERNMENT'S MOTION TO SEAL

The United States Attorney hereby respectfully moves the Court to seal the complaint, supporting affidavit, this motion, the Court's order on this motion, and any other paperwork related to this matter, until further order of this Court. As grounds for this motion, the government states that public disclosure of these materials might jeopardize the ongoing investigation of this case, as well as the government's ability to arrest the defendant.

The United States Attorney further moves pursuant to General Order 06-05 that the United States Attorney be provided copies of all sealed documents that the United States Attorney has filed in the above-styled matter.

Respectfully submitted,

ANDREW E. LELLING
United States Attorney

By: /s/ Elianna J. Nuzum
Elianna J. Nuzum
Assistant United States Attorney
Date: September 9, 2020

SO ORDERED.

Page Kelley
M. PAGE KELLEY
Chief United States Magistrate Judge



allowed
Page Kelley
9/9/2020

MIME-Version:1.0
From:ECFnotice@mad.uscourts.gov
To:CourtCopy@localhost.localdomain
Bcc:
--Case Participants:
--Non Case Participants:
--No Notice Sent:

Message-Id:8952690@mad.uscourts.gov
Subject:Activity in Case 20-6558 Sealed v. Sealed (Redacted Notice)
Content-Type:text/html

NOTE: This docket entry (or case) is sealed, no email notices have been sent.

United States District Court

District of Massachusetts

Notice of Electronic Filing

The following transaction was entered on 9/9/2020 at 6:56 PM EDT and filed on 9/9/2020

Case Name: USA v. Rodriguez
Case Number: 1:20-mj-06558-MPK *SEALED*
Filer:
Document Number: 3(No document attached)

Docket Text:

Magistrate Judge M. Page Kelley: ENDORSED ORDER entered granting [2] Motion to Seal as to Iyaury Rodriguez (1). "Allowed" (Belmont, Kellyann)

1:20-mj-06558-MPK *SEALED*-1 No electronic public notice will be sent because the case/entry is sealed.

UNITED STATES DISTRICT COURT
 for the
 District of Massachusetts

United States of America)
 v.)
)
) Case No.
)
) 20-MJ-6558-MPK
 IYAURY RODRIGUEZ)
)
)
)
)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 6/16/2018, 9/6/2018, 9/13/2018 in the county of Middlesex in the
 District of Massachusetts, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
42 U.S.C. § 408(a)(7)(B)	False Representation of a Social Security Number
18 U.S.C. § 1028A	Aggravated Identity Theft
18 U.S.C. § 1343	Wire Fraud

This criminal complaint is based on these facts:

See Affidavit of Special Agent Timothy Taber.



Continued on the attached sheet.

/s/ Timothy Taber

Complainant's signature

Timothy Taber, Special Agent, HSI

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. Crim. P. 4.1 by telephone.

Date: 09/09/2020

City and state: Boston, MA

Chief U.S. Magistrate Judge M. Page Kelley

Printed name and title

Page Kelley
 Judge's signature

20-MJ-6558-MPK

AFFIDAVIT OF SPECIAL AGENT TIMOTHY TABER

I, Timothy Taber, being duly sworn, hereby depose and state as follows:

1. I am a Special Agent (“SA”) with the United States Department of Homeland Security, Homeland Security Investigations (“HSI”), and have been so since May 2018. I have received formal training in conducting criminal investigations at the Federal Law Enforcement Training Center in Glynco, Georgia. Prior to becoming a SA with HSI, I was an Intelligence Analyst with the Federal Bureau of Investigation for approximately ten years. I am currently assigned to the HSI Boston, Massachusetts Document and Benefit Fraud Task Force (“DBFTF”), which is comprised of law enforcement agents and officers from federal, state and local agencies. As part of the DBFTF, I am responsible for conducting investigations involving but not limited to the manufacturing, counterfeiting, alteration, sale, and use of identity documents and other fraudulent documents to evade immigration laws or for other criminal activity. Due to my training and experience, as well as conversations with other law enforcement officers, I am familiar with the methods, routines, and practices of document counterfeiters, vendors, and persons who fraudulently obtain or assume false identities.

2. The DBFTF is currently investigating a group of suspects who are believed to have obtained stolen identities of other United States citizens from Puerto Rico. Many of these individuals used the stolen identities to open bank accounts and/or credit cards to fraudulently purchase, register, and/or export vehicles as part of a multi-state scheme involving financial fraud, auto theft, and the exportation of stolen goods.

3. I am submitting this affidavit in support a criminal complaint charging Iyaury RODRIGUEZ (“RODRIGUEZ”), DOB xx-xx-1981, with false representation of a social security

number, in violation of 42 U.S.C. § 408(a)(7)(B); aggravated identity theft, in violation of 18 U.S.C. § 1028A; and wire fraud, in violation of 18 U.S.C. § 1343.

4. The facts in this affidavit come from my personal involvement in this investigation, including interviews of witnesses, and my review of documents and bank records, as well as my conversations with other members of law enforcement. In submitting this affidavit, I have not included every fact known to me about this investigation. Instead, I have only included facts that I believe are sufficient to establish probable cause.

Background of Investigation

5. Since approximately January 2019, HSI special agents have been investigating a scheme involving the use of stolen identities to fraudulently open bank accounts, credit cards and purchase vehicles, many of which are then exported out of the United States. More specifically, the investigation has revealed a number of individuals using the stolen identities of United States citizens from Puerto Rico to fraudulently finance late-model vehicles from dealerships in Massachusetts with zero dollars down. At the dealerships, the individuals provide a variety of common identification and credit-related documents, including Puerto Rico driver's licenses and social security cards as proof of identification. The perpetrators of this fraudulent scheme typically do not make down payments or subsequent payments on the vehicles, resulting in the dealership or relevant lending financial institution taking a total loss for the vehicles. The individuals have also been successful in opening bank accounts in the same stolen identities prior to fraudulently purchasing the vehicles. Individuals perpetrating the scheme max out associated credit cards within days or weeks and rarely make any payments on the accounts.

Probable Cause

The Credit Applications at the Natick Dealership

6. On or about September 6, 2018, a man appeared in person at a car dealership in Natick, MA (the “Natick Dealership”) and provided personal identifying information on a credit application in order to purchase a 2015 Honda CRV (VIN: xxxxxxxxxxxx0970) for \$28,670.50 with 100% financing. On the credit application, the applicant represented himself as J.O.A.¹ with a date of birth of xx/xx/1974 and social security number xxx-xx-8466. The applicant listed his address as 13 Portland Street, Apartment 12, Lawrence, MA 01843, listed his occupation as the Site Supervisor for “JAO (sic) Construction”, and stated that he earned a monthly salary of \$12,000. He signed J.O.A.’s name to the credit application which read, “You certify that the information on the application and in any other application submitted to us, is true and complete. You understand that false statements may subject you to criminal penalties.” During the sales process, the applicant presented Puerto Rico Driver’s license # 2578782 as proof of identification.² The document listed the name J.O.A. with date of birth xx/xx/1974 and displayed a photograph depicting someone who appeared to be RODRIGUEZ. After obtaining a booking photograph of RODRIGUEZ and comparing it to the photograph on the fraudulent J.O.A. Puerto Rico driver’s license, agents determined that both photographs depict RODRIGUEZ. Additionally, agents reviewed surveillance video from the Natick Dealership from September 6, 2018, which shows two men meeting in an office with the finance director to

¹ The identity of victim J.O.A. is known to the government. In order, these initials represent the victim’s first name, paternal last name, and maternal last name. To protect the victim’s privacy, only the initials “J.O.A.” and “J.O.” are used in this affidavit.

² The dealership made a copy or scan of this driver’s license and maintained it in its files pertaining to the transaction, which agents have reviewed. Based on the information reflected below and my training and experience, it appears that this was not a legitimate Puerto Rico driver’s license but, rather, was a counterfeit/fraudulent document.

finalize the sale of the 2015 Honda CRV. After obtaining booking photographs of RODRIGUEZ and FERMIN and comparing them to the two men in the video from Bernardi Honda, agents determined that the video depicted RODRIGUEZ and FERMIN.

7. The personal information from the credit application was then submitted by the dealership to various banks, over the internet using Dealertrack³ for credit approval. The man purporting to be J.O.A. was approved by a bank located in Cherry Hill, NJ (the “New Jersey Bank”), via the internet, on or about September 6, 2018 to finance the vehicle in the amount of \$28,670.50 for a term of 63 months, and he took possession of the vehicle.

8. One week later, on or about September 13, 2018, a man appeared in person at the Natick Dealership and provided personal identifying information on a credit application in order to purchase a 2016 Honda CRV (VIN: xxxxxxxxxxxxxxxx8553) for \$29,561.88 with 100% financing. On the credit application, the applicant again represented himself as J.O.A. with a date of birth of xx/xx/1974 and social security number xxx-xx-8466. The applicant listed his address as 13 Portland Street, Apartment 12, Lawrence, MA 01843, listed his occupation as the Site Supervisor for “JAO (sic) Construction”, and stated he earned a monthly salary of \$12,000. He signed J.O.A.’s name to the credit application which read, “You certify that the information on the application and in any other application submitted to us, is true and complete. You understand that false statements may subject you to criminal penalties.” During the sales

³ Dealertrack is a software-as-a-service used by many automobile dealerships. It offers a single cloud-based platform to bring together consumer, dealer, and lender, and electronic pathways for communication between them. Dealertrack can run credit checks, submit credit applications, communicate responses, complete deals, and speed up trade-in payoff and title release. Dealertrack has a partnership with the National Credit Services Bureau. When dealers input the data and request information via the Dealertrack portal, the data is sent through a pipeline to the services cloud space where its servers are being hosted. Essentially, it is a central hub to consolidate and request all data needed for a transaction, instead of going through each individual system. Dealertrack’s servers that handle this data are located in New Jersey, and have been so located since at least July 2018; accordingly, all communications between dealerships in Massachusetts and any other parties using the Dealertrack system have traveled in interstate commerce.

process, the applicant presented Puerto Rico Driver's license # 2578782 as proof of identification. The document listed the name J.O.A. with date of birth xx/xx/1974 and displayed a photograph of a man matching the appearance of RODRIGUEZ. This was the same identification that was presented to the Natick Dealership on September 6, 2018.⁴

9. The personal information from the credit application was then submitted by the dealership to various banks, over the internet using Dealertrack, for credit approval. The man purporting to be J.O.A. was approved by a bank located in Detroit, MI (the "Detroit Bank"), via the internet, on or about September 13, 2018 to finance the vehicle in the amount of \$29,561.88 for a term of 72 months, and he took possession of the vehicle. No monthly payments were ever made on this vehicle loan.

The Financing Process at the Natick Dealership

10. On June 10, 2020, an HSI agent interviewed a finance director for the Natick Dealership about the vehicle financing process at that dealership. According to the finance director, the financing process begins by having a customer complete a credit application by hand. The information from the credit application is then typed on a computer by the finance director and submitted, over the internet, to Dealertrack to run the customer's credit history and check for any red flags that might require the customer to provide additional documents to verify the information provided on the credit application. Based on the structure of the deal and the customer's credit history, the finance director then submits the customer's application, on average, to three banks for financing approval through Dealertrack. Within an hour, the finance director receives a response from the banks, over the internet through Dealertrack, that the

⁴ The dealership made a copy or scan of this driver's license and maintained it in its files pertaining to the transaction, which agents have reviewed.

customer was given a counteroffer, approved, disapproved, or approved with stipulations. This same process was in place in September 2018.

The Credit Application at the Haverhill Dealership

11. On or about June 16, 2018, a man appeared in person at a car dealership in Haverhill, MA (the “Haverhill Dealership”) and provided personal identifying information on a credit application in order to purchase a 2015 Jeep Grand Cherokee (VIN: xxxxxxxxxxxxxxx2463) for \$40,200.38 with 100% financing. On the credit application, the applicant represented himself as J.L.C.M.⁵ with a date of birth of xx/xx/1985 and social security number xxx-xx-4641. The applicant listed his address as 209 Bailey Street, Apartment 1, Lawrence, MA, listed his occupation as the owner of “Morales LLC”, and stated he earned an annual salary of \$145,000. He signed J.L.C.M.’s name to the credit application, which read, “I authorize dealer and any finance company, bank or other financial institution to which the dealer submits my application (“you”) to investigate my credit and employment history, verify my income, obtain credit reports, and release information about your credit experience with me as the law permits.” During the sales process the individual presented Puerto Rico Driver’s license # 9672605 as proof of identification.⁶ The document listed the name J.L.C.M. with date of birth xx/xx/1985 and displayed a photograph of a man matching the appearance of RODRIGUEZ. The photograph on the fraudulent Puerto Rico driver’s license appeared similar to the photograph on

⁵ The identity of victim J.L.C.M. is known to the government. In order, these initials represent the victim’s first name, middle name, paternal last name, and maternal last name. To protect the victim’s privacy, only the initials “J.L.C.M.” and “J.C.M.” are used in this affidavit.

⁶ The dealership made a copy or scan of this driver’s license and maintained it in its files pertaining to the transaction, which agents have reviewed. Based on the information reflected below and my training and experience, it appears that this was not a legitimate Puerto Rico driver’s license but, rather, was a counterfeit/fraudulent document.

the fraudulent Puerto Rico driver's license that was presented to the Natick Dealership in September 2018.

12. The personal information from the credit application was then submitted by the dealership to various banks, over the internet through a process described below, for credit approval. The man purporting to be J.L.C.M. was a bank located in Columbus, OH (the "Columbus Bank"), via the internet, on or about June 16, 2018 to finance the vehicle in the amount of \$40,200.38 for a term of 75 months, and he took possession of the vehicle.

The Financing Process at the Haverhill Dealership

13. On June 17, 2020, an HSI agent interviewed a finance director for the Haverhill Dealership about the process for obtaining financing for vehicles purchased at that dealership. According to the finance director, the vehicle financing process begins by having a customer fill out a credit application by hand with a dealership sales associate. The sales manager then types the customer's information from the credit application into a computer and forwards it to the finance department. The finance manager then reviews the application and submits it, online, to RouteOne⁷ to obtain a credit history report, red flags report, and Office of Foreign Assets Control ("OFAC") report. Upon completion, the customer reviews and signs the credit application. The finance manager would then select up to ten banks, but typically four or five, and submit the customer's application to those banks through RouteOne. The finance director generally receives a response within 30 minutes, over the internet through RouteOne, notifying the customer that the request was approved, disapproved, or approved with stipulations or conditions. This same process was in place in June 2018.

⁷ RouteOne provides the same service as Dealertrack for car dealerships, which includes but is not limited to checking a customer's credit history and working as a central hub to consolidate and request data needed to complete sales transaction. RouteOne's servers that handle this data are located in Las Vegas, NV and have been so located since at least June 2018.

Confirmation of Valid Social Security Numbers; Identification of the Victim

14. The Social Security Administration (“SSA”) has confirmed that social security number xxx-xx-8466 is assigned to J.O.A., a United States citizen from Puerto Rico.

15. The SSA has confirmed that social security number xxx-xx-4641 is assigned to J.C.M., a United States Citizen from Puerto Rico.

16. Law enforcement contacted the Puerto Rico Police Department to obtain the driver’s license of J.O.A. with social security number xxx-xx-8466. The document listed the name J.A.O.A., social security number xxx-xx-8466, and date of birth xx-xx-1974, but a different license number than what was listed on the fraudulent J.O.A. driver’s license presented at the Natick Dealership in September 2018. The document also displayed the photograph of the man who I believe to be the real J.O.A., who is different in appearance than the man displayed on the fraudulent Puerto Rico driver’s license presented at the Natick Dealership.

17. Law enforcement contacted the Puerto Rico Police Department to obtain the driver’s license of J.C.M. with social security number xxx-xx-4641. The document listed the name J.L.C.M, social security number xxx-xx-4641, and date of birth xx-xx-1985, but a different license number than what was listed on the fraudulent J.C.M. driver’s license presented at the Haverhill Dealership in June 2018. The document also displayed the photograph of the man who I believe to be the real J.C.M., who is different in appearance than the man displayed on the fraudulent Puerto Rico driver’s license presented at the Haverhill Dealership.

**Knowledge and Use of Stolen Identity Information
and Fraudulent Identification Documents**

18. On February 21, 2019, FERMIN and RODRIGUEZ were arrested by the Pennsylvania State Police (“PSP”) after attempting to purchase a motorcycle and ATV from a dealership in Coopersburg, Pennsylvania with a fraudulent PA driver’s license in the name of

D.M.F.⁸, which bore a photograph of RODRIGUEZ (they had successfully purchased a motorcycle and ATV from the same dealership two weeks prior using the same fraudulent identification). On FERMIN's person, police found a receipt dated October 4, 2018, from a car dealership in Danvers, MA. The receipt was for a \$170 cash payment and listed the name "L.C.O."⁹ Police also found a receipt dated September 5, 2018, from a car dealership in Framingham, MA. The receipt listed a payment of \$300 and the name "J.O. RODRIGUEZ." RODRIGUEZ was subsequently convicted of theft by deception.

19. During an investigation in 2019, the Pennsylvania State Police ("PSP") seized a cell phone from FERMIN, who is suspected of being involved in the fraud scheme described in paragraph 5 of this affidavit and is a target of an HSI Philadelphia investigation. The PSP obtained a search warrant for FERMIN's phone and identified a substantial amount of evidence, revealing that FERMIN played a large role in obtaining stolen identities and producing false documents to be used for fraudulent vehicle purchases. PSP forwarded DBFTF agents some of the information from FERMIN's phone, which included the following: ID card-style photographs of RODRIGUEZ that appeared on the fraudulent Puerto Rico driver's licenses that were presented to the Haverhill Dealership in June 2018 and the Natick Dealership in September 2018; the J.C.M. Puerto Rico driver's license that was presented to the Haverhill Dealership in June 2018; a U.S. social security card bearing the name J.C.M. and social security number xxx-xx-4641; a Comcast bill in the name of J.O.A. (the details of the bill are illegible); and a National Grid utility bill showing the name J.O.A. with an address of 13 Portland Street, Apt. 2,

⁸ RODRIGUEZ obtained a PA driver's license, from the registry of motor vehicles, in the name of D.M.F. by surrendering a fraudulent Puerto Rico driver's license in the same name with RODRIGUEZ's photograph.

⁹ RODRIGUEZ used the identity of L.C.O. to fraudulently purchase multiple vehicles in MA, but they are not being charged at this time. On October 4, 2018, RODRIGUEZ fraudulently purchased a 2017 Jeep Grand Cherokee from the dealership in Danvers, MA with a fraudulent Puerto Rico driver's license with the name L.C.O.

Lawrence, MA 01843, account number xxxxx-x4038, and an amount due of \$244.08, which was the same National Grid bill that RODRIGUEZ presented to the Natick Dealership in September 2018.

20. Within FERMIN's phone, DBFTF agents also identified an Xfinity bill showing the name "L.S.D."¹⁰ with an address of 13 Portland Street, Apt. 2, Lawrence, MA 01843, account number xxxx-xx-xxx-xxx7188, new charges of \$153.21, and a total amount due of \$722.53. DBFTF agents have also recovered other versions of almost identical Xfinity bills from dealerships throughout Massachusetts, as criminal associates have presented the documents as proof of residence during the fraudulent purchase of vehicles. For example, agents recovered an Xfinity bill in a stolen name used by a female target of this investigation at a dealership in Burlington, MA. The bill showed a Fall River, MA address, account number xxxx-xx-xxx-xxx7188, new charges of \$153.21, and a total amount due of \$722.53.

21. On January 27, 2020, RODRIGUEZ was arrested by the New Jersey Division of Criminal Justice for insurance fraud, theft by deception, and impersonation, which stemmed from the fraudulent purchase of five vehicles in New Jersey between January 31, 2019 and February 4, 2019, with the fraudulent D.M.F. PA driver's license.

Conclusion

22. Based on the foregoing, I submit there is probable cause to believe that, on or about September 6, 2018, September 13, 2018, and June 16, 2018, Iyaury RODRIGUEZ (1) falsely represented, with intent to deceive and for any purpose, a number to be the social security account number assigned by the Commissioner of Social Security to him, when in fact such number is not the social security account number assigned by the Commissioner of Social

¹⁰ To protect this individual's privacy, initials are used rather than the name that appeared on the bill.

Security to him, all in violation of 42 U.S.C. § 408(a)(7)(B); (2) knowingly transferred, possessed and used, during and in relation to any felony violation enumerated in 18 U.S.C. 1028A(c), and without lawful authority, a means of identification of another person in violation of 18 U.S.C. § 1028A; and (3) having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises, did transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing the scheme to defraud, to wit, stolen identity information to the New Jersey Bank, the Detroit Bank, and the Columbus Bank in an attempt to secure approximately \$98,432.76 to finance three car purchases, in violation of 18 U.S.C. § 1343.

Signed under the pains and penalties of perjury this 9th day of September 2020.

/s/ Timothy Taber

Timothy Taber
Special Agent
Homeland Security Investigations

Subscribed and sworn to via telephone in accordance with Federal Rule of Criminal Procedure 4.1 this 9th day of September, 2020.


HONORABLE M. PAGE KELLEY
CHIEF UNITED STATES MAGISTRATE JUDGE
DISTRICT OF MASSACHUSETTS



Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**

Place of Offense: Category No. II **Investigating Agency** HSI

City Natick, Haverhill **Related Case Information:** 20-MJ-6552-6559-MPK

County Middlesex, Essex Superseding Ind./ Inf. _____ Case No. _____
 Same Defendant _____ New Defendant _____
 Magistrate Judge Case Number 20-MJ-6558-MPK
 Search Warrant Case Number _____
 R 20/R 40 from District of _____

Defendant Information:

Defendant Name Iyaury Rodriguez Juvenile: Yes No

Is this person an attorney and/or a member of any state/federal bar: Yes No

Alias Name _____

Address (City & State) Readington, PA

Birth date (Yr only): 1981 SSN (last4#): 3390 Sex M Race: _____ Nationality: Dominican

Defense Counsel if known: _____ Address _____

Bar Number _____

U.S. Attorney Information:

AUSA Elianna J. Nuzum Bar Number if applicable 663354

Interpreter: Yes No List language and/or dialect: Spanish

Victims: Yes No If yes, are there multiple crime victims under 18 USC§3771(d)(2) Yes No

Matter to be SEALED: Yes No

Warrant Requested Regular Process In Custody

Location Status:

Arrest Date _____

Already in Federal Custody as of _____ in _____.

Already in State Custody at _____ Serving Sentence Awaiting Trial

On Pretrial Release: Ordered by: _____ on _____

Charging Document: Complaint Information Indictment

Total # of Counts: Petty _____ Misdemeanor _____ Felony 3 _____

Continue on Page 2 for Entry of U.S.C. Citations

I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: 09/09/2020 Signature of AUSA: /s/ Elianna J. Nuzum

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant _____ Iyaury Rodriguez _____

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	42 U.S.C. § 408(a)(7)(B)	False Representation of a Social Security Number	1 _____
Set 2	18 U.S.C. § 1028A	Aggravated Identity Theft	2 _____
Set 3	18 U.S.C. § 1343	Wire Fraud	3 _____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION: _____

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA
vs.
IYAURY RODRIGUEZ

Case No. 20-MJ-6558-MPK

GOVERNMENT'S MOTION TO UNSEAL

The United States of America hereby moves this Court to direct that the Criminal Complaint and all related paperwork be unsealed. In support of this motion, the government states that the defendant and all co-conspirators referenced in the Affidavit in Support of Criminal Complaint have been arrested. Thus, there is no further reason to keep the Complaint materials sealed.

Respectfully submitted,

ANDREW E. LELLING
United States Attorney

By: /s/ Elianna J. Nuzum
Elianna J. Nuzum
Assistant U.S. Attorney
Date: September 10, 2020

MIME-Version:1.0
From:ECFnotice@mad.uscourts.gov
To:CourtCopy@localhost.localdomain
Bcc:
--Case Participants:
--Non Case Participants:
--No Notice Sent:

Message-Id:8954135@mad.uscourts.gov
Subject:Activity in Case 1:20-mj-06558-MPK USA v. Rodriguez Order on Motion to Unseal Case
Content-Type:text/html

NOTE: This docket entry (or case) is sealed, no email notices have been sent.

United States District Court

District of Massachusetts

Notice of Electronic Filing

The following transaction was entered on 9/10/2020 at 3:23 PM EDT and filed on 9/10/2020

Case Name: USA v. Rodriguez
Case Number: 1:20-mj-06558-MPK *SEALED*
Filer:
Document Number: 7(No document attached)
Docket Text:
Magistrate Judge M. Page Kelley: ELECTRONIC ORDER entered granting [6] Motion to Unseal Case as to Iyaury Rodriguez (1) (Belmont, Kellyann)

1:20-mj-06558-MPK *SEALED*-1 No electronic public notice will be sent because the case/entry is sealed.

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA) Criminal No. 20-cr-10213
v.) Violations:
IYAURY RODRIGUEZ,) Counts One-Three: Wire Fraud
Defendant) (18 U.S.C. § 1343)
) Counts Four-Six: Aggravated Identity Theft
) (18 U.S.C. § 1028A(a)(1))
) Counts Seven-Nine: False Representation of
) Social Security Number (42 U.S.C. §
) 408(a)(7)(B))
) Forfeiture Allegation:
) (18 U.S.C. § 981(a)(1)(C) and
) 28 U.S.C. § 2461)
)

INDICTMENT

At all times relevant to this Indictment:

Scheme to Defraud

1. Beginning no later than June 13, 2018, and continuing at least through on or about September 16, 2018, Iyaury RODRIGUEZ (“RODRIGUEZ”) engaged in a scheme to defraud various businesses, financial institutions, and others by acquiring, possessing, and using personal identifying information associated with other individuals without their knowledge or authority (“stolen identity information”) in order to obtain credit in the stolen identities, and use that credit to purchase vehicles and other items of value.

2. In furtherance of this scheme, RODRIGUEZ obtained, possessed, and presented as his own fraudulent identity documents, including driver’s licenses, each of which depicted his own image but the name and identifying information of someone else.

3. In furtherance of this scheme, RODRIGUEZ used stolen identity information to complete credit applications in order to obtain financing from various financial institutions and to purchase vehicles from car dealerships in Massachusetts, such that he would take possession of the vehicles without paying for them, any outstanding debts or balances associated with these purchases would negatively impact the account holder's credit, and any debt collection efforts or lawsuits would be aimed at the named account holder rather than at RODRIGUEZ.

COUNTS ONE THROUGH THREE
Wire Fraud
(18 U.S.C. § 1343)

The Grand Jury charges:

4. The Grand Jury re-alleges and incorporates by reference paragraphs 1 through 3 of this Indictment.

5. Between on or about June 16, 2018 and September 13, 2018, in the District of Massachusetts, and elsewhere, the defendant,

IYAURY RODRIGUEZ,

having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises, did transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing the scheme to defraud, as set forth below:

Count	Approximate Date	Description
1	June 16, 2018	Credit application associated with purchase of 2015 Jeep Grand Cherokee at dealership in Haverhill, Massachusetts, transmitted from Haverhill over the internet, through servers located outside of Massachusetts
2	September 6, 2018	Credit application associated with purchase of 2015 Honda CRV at dealership in Natick, Massachusetts, transmitted from Natick over the internet, through servers located outside of Massachusetts
3	September 13, 2018	Credit application associated with purchase of 2016 Honda CRV at dealership in Natick, Massachusetts, transmitted from Natick over the internet, through servers located outside of Massachusetts

All in violation of Title 18, United State Code, Section 1343.

COUNTS FOUR THROUGH SIX

Aggravated Identity Theft
(18 U.S.C. § 1028A(a)(1))

The Grand Jury further charges:

On or about the dates set forth below, in the District of Massachusetts, and elsewhere, the defendant,

IYAURY RODRIGUEZ,

did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person during and in relation to a felony violation enumerated in 18 U.S.C. § 1028A(c), that is, Wire Fraud, in violation of 18 U.S.C. § 1343, as set forth below:

Count	Approximate Date	Means of Identification	Underlying Felony
1	June 16, 2018	Name and social security number of a U.S. citizen with the initials J.L.C.M.	Wire Fraud as charged in Count One
2	September 6, 2018	Name and social security number of a U.S. citizen with the initials J.O.A.	Wire Fraud as charged in Count Two
3	September 13, 2018	Name and social security number of a U.S. citizen with the initials J.O.A.	Wire Fraud as charged in Count Three

All in violation of Title 18, United States Code, Section 1028A(a)(1).

COUNTS SEVEN THROUGH NINEFalse Representation of Social Security Number
(42 U.S.C. § 408(a)(7)(B))

The Grand Jury further charges:

On or about the dates set forth below, in the District of Massachusetts, and elsewhere, the defendant,

IYAURY RODRIGUEZ

for the purpose of obtaining anything of value from any person, and for any other purpose, did, with intent to deceive, falsely represent a number to be the social security account number assigned by the Commissioner of Social Security to him on a financing application for the purpose of purchasing a motor vehicle, when in fact such number is not the social security account number assigned by the Commissioner of Social Security to him, as set forth below:

Count	Approximate Date	Use of Social Security Number
1	June 16, 2018	Credit application associated with purchase of 2015 Jeep Grand Cherokee at dealership in Haverhill, Massachusetts, which included the social security account number of a U.S. citizen with the initials J.L.C.M.
2	September 6, 2018	Credit application associated with purchase of 2015 Honda CRV at dealership in Natick, Massachusetts, which included the social security account number of a U.S. citizen with the initials J.O.A.
3	September 13, 2018	Credit application associated with purchase of 2016 Honda CRV at dealership in Natick, Massachusetts, which included the social security account number of a U.S. citizen with the initials J.O.A.

All in violation of Title 42, United States Code, Section 408(a)(7)(B).

FORFEITURE ALLEGATION

(18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c))

1. Upon conviction of any offense in violation of Title 18, United States Code, Section 1343, set forth in Counts One through Three, the defendant,

IYAURY RODRIGUEZ,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offense.

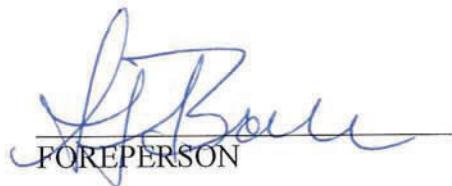
2. If any of the property described in Paragraph 1, above, as being forfeitable pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), as a result of any act or omission of the defendant --

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 28, United States Code, Section 2461(c), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property described in Paragraph 1 above.

All pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c).

A TRUE BILL



FOREPERSON



ELIANNA J. NUZUM
ADAM W. DEITCH
ASSISTANT UNITED STATES ATTORNEYS
DISTRICT OF MASSACHUSETTS

District of Massachusetts: SEPTEMBER 29, 2020
Returned into the District Court by the Grand Jurors and filed.



DEPUTY CLERK

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**

Place of Offense:	Category No. <u>II</u>	Investigating Agency <u>HSI</u>
City <u>Natick, Haverhill</u>	Related Case Information: 20-MJ-6552-6559-MPK	
County <u>Middlesex, Essex</u>	Superseding Ind./ Inf. <u></u>	Case No. <u></u>
	Same Defendant <u></u>	New Defendant <u></u>
	Magistrate Judge Case Number <u>20-MJ-6558-MPK</u>	
	Search Warrant Case Number <u></u>	
	R 20/R 40 from District of <u></u>	

Defendant Information:

Defendant Name Iyaury Rodriguez Juvenile: Yes No

Is this person an attorney and/or a member of any state/federal bar: Yes No

Alias Name

Address (City & State) Readington, PA

Birth date (Yr only): 1981 SSN (last4#): 3390 Sex M Race: Nationality: Dominican

Defense Counsel if known: Address

Bar Number

U.S. Attorney Information:

AUSA Elianna J. Nuzum Bar Number if applicable 663354

Interpreter: Yes No List language and/or dialect: Spanish

Victims: Yes No If yes, are there multiple crime victims under 18 USC§3771(d)(2) Yes No

Matter to be SEALED: Yes No

Warrant Requested Regular Process In Custody

Location Status:

Arrest Date 09/10/2020

Already in Federal Custody as of 09/10/2020 in USMS custody (E.D. Pa.) .

Already in State Custody at _____ Serving Sentence Awaiting Trial

On Pretrial Release: Ordered by: _____ on _____

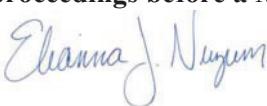
Charging Document: Complaint Information Indictment

Total # of Counts: Petty _____ Misdemeanor _____ Felony 9 _____

Continue on Page 2 for Entry of U.S.C. Citations

I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: 09/29/2020

Signature of AUSA: 

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant _____ Iyaury Rodriguez _____

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	18 U.S.C. § 1343	Wire Fraud	1-3
Set 2	18 U.S.C. § 1028A(a)(1)	Aggravated Identity Theft	4-6
Set 3	42 U.S.C. § 408(a)(7)(B)	False Representation of a Social Security Number	7-9
Set 4			
Set 5			
Set 6			
Set 7			
Set 8			
Set 9			
Set 10			
Set 11			
Set 12			
Set 13			
Set 14			
Set 15			

ADDITIONAL INFORMATION: _____

MIME-Version:1.0
From:ECFnotice@mad.uscourts.gov
To:CourtCopy@localhost.localdomain
Bcc:
--Case Participants: Adam W. Deitch (adam.deitch@usdoj.gov, sylvia.cooper@usdoj.gov) , Elianna J. Nuzum (elianna.nuzum@usdoj.gov, scheung@usa.doj.gov, scooper@usa.doj.gov, usama.ecf@usdoj.gov) , District Judge Leo T. Sorokin (alisha_jarwala@mad.uscourts.gov, amy_robinson@mad.uscourts.gov, honorable_leo_sorokin@mad.uscourts.gov, maximilian_crema@mad.uscourts.gov)
--Non Case Participants: ad hoc (antonia_alves-baptista@mad.uscourts.gov)
--No Notice Sent:

Message-Id:8983434@mad.uscourts.gov
Subject:Activity in Case 1:20-cr-10213-LTS USA v. Rodriguez Case Assigned/Reassigned
Content-Type: text/html

United States District Court

District of Massachusetts

Notice of Electronic Filing

The following transaction was entered on 9/30/2020 at 7:24 AM EDT and filed on 9/30/2020

Case Name: USA v. Rodriguez
Case Number: 1:20-cr-10213-LTS
Filer:
Document Number: 9(No document attached)

Docket Text:

ELECTRONIC NOTICE of Case Assignment as to Iyaury Rodriguez ; District Judge Leo T. Sorokin assigned to case. If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge M. Page Kelley. (Finn, Mary)

1:20-cr-10213-LTS-1 Notice has been electronically mailed to:

Elianna J. Nuzum elianna.nuzum@usdoj.gov, SCheung@usa.doj.gov, SCooper@usa.doj.gov, USAMA. ECF@usdoj.gov

1:20-cr-10213-LTS-1 Notice will not be electronically mailed to:

MIME-Version:1.0
From:ECFnotice@mad.uscourts.gov
To:CourtCopy@localhost.localdomain
Bcc:
--Case Participants: Adam W. Deitch (adam.deitch@usdoj.gov, sylvia.cooper@usdoj.gov) , Elianna J. Nuzum (elianna.nuzum@usdoj.gov, scheung@usa.doj.gov, scooper@usa.doj.gov, usama.ecf@usdoj.gov) , Magistrate Judge M. Page Kelley (erika_page@mad.uscourts.gov, honorable_page_kelley@mad.uscourts.gov, kellyann_moore@mad.uscourts.gov, patricia_macdougall@mad.uscourts.gov) , District Judge Leo T. Sorokin (alisha_jarwala@mad.uscourts.gov, amy_robinson@mad.uscourts.gov, honorable_leo_sorokin@mad.uscourts.gov, maximilian_crema@mad.uscourts.gov)
--Non Case Participants: Magistrate Judge Kelley (honorable_page_kelley@mad.uscourts.gov)
--No Notice Sent:

Message-Id:8983493@mad.uscourts.gov
Subject:Activity in Case 1:20-cr-10213-LTS USA v. Rodriguez Order Referring Case to
Magistrate Judge
Content-Type: text/html

United States District Court

District of Massachusetts

Notice of Electronic Filing

The following transaction was entered on 9/30/2020 at 8:30 AM EDT and filed on 9/30/2020

Case Name: USA v. Rodriguez

Case Number: 1:20-cr-10213-LTS

Filer:

Document Number: 10(No document attached)

Docket Text:

**District Judge Leo T. Sorokin: ELECTRONIC ORDER entered. Order Referring Case to
Magistrate Judge M. Page Kelley Reason for referral: Full Pretrial Proceedings as to Iyaury
Rodriguez (Alves-Baptista, Antonia)**

1:20-cr-10213-LTS-1 Notice has been electronically mailed to:

Elianna J. Nuzum elianna.nuzum@usdoj.gov, SCheung@usa.doj.gov, SCooper@usa.doj.gov, USAMA. ECF@usdoj.gov

Adam W. Deitch adam.deitch@usdoj.gov, sylvia.cooper@usdoj.gov

1:20-cr-10213-LTS-1 Notice will not be electronically mailed to:

MIME-Version:1.0
From:ECFnotice@mad.uscourts.gov
To:CourtCopy@localhost.localdomain
Bcc:
--Case Participants: Adam W. Deitch (adam.deitch@usdoj.gov, sylvia.cooper@usdoj.gov), Elianna J. Nuzum (elianna.nuzum@usdoj.gov, scheung@usa.doj.gov, scooper@usa.doj.gov, usama.ecf@usdoj.gov), Magistrate Judge M. Page Kelley (erika_page@mad.uscourts.gov, honorable_page_kelley@mad.uscourts.gov, kellyann_moore@mad.uscourts.gov, patricia_macdougall@mad.uscourts.gov), District Judge Leo T. Sorokin (alisha_jarwala@mad.uscourts.gov, amy_robinson@mad.uscourts.gov, honorable_leo_sorokin@mad.uscourts.gov, maximilian_crema@mad.uscourts.gov)
--Non Case Participants: Customer Service (mad_customer_service@mad.uscourts.gov), Media Account (media@mad.uscourts.gov), VictimRights (kathleen.griffin@usdoj.gov), VictimRights2 (jessica.pooler@usdoj.gov)
--No Notice Sent:

Message-Id:9051160@mad.uscourts.gov
Subject:Activity in Case 1:20-cr-10213-LTS USA v. Rodriguez Notice of Hearing for Initial Appearance
Content-Type: text/html

United States District Court

District of Massachusetts

Notice of Electronic Filing

The following transaction was entered on 11/17/2020 at 8:54 AM EST and filed on 11/17/2020

Case Name: USA v. Rodriguez
Case Number: 1:20-cr-10213-LTS

Filer:

Document Number: 11(No document attached)

Docket Text:

ELECTRONIC NOTICE OF HEARING for Initial Appearance as to Iyaury Rodriguez. Initial Appearance set for 11/24/2020 03:15 PM in Remote Proceeding : Boston before Magistrate Judge M. Page Kelley.

This hearing will be conducted by video conference. Counsel of record will receive a video conference invite at the email registered in CM/ECF. If you have technical or compatibility issues with the technology, please notify the session's courtroom deputy as soon as possible.

Access to the hearing will be made available to the media and public. In order to gain access to the hearing, you must sign up at the following address: <https://forms.mad.uscourts.gov/courtlist.html>.

For questions regarding access to hearings, you may refer to the Court's general orders and public notices available on www.mad.uscourts.gov or contact media@mad.uscourts.gov.

(Belmont, Kellyann)

1:20-cr-10213-LTS-1 Notice has been electronically mailed to:

Elianna J. Nuzum elianna.nuzum@usdoj.gov, SCheung@usa.doj.gov, SCooper@usa.doj.gov, USAMA. ECF@usdoj.gov

Adam W. Deitch adam.deitch@usdoj.gov, sylvia.cooper@usdoj.gov

1:20-cr-10213-LTS-1 Notice will not be electronically mailed to:

MIME-Version:1.0
From:ECFnotice@mad.uscourts.gov
To:CourtCopy@localhost.localdomain
Bcc:
--Case Participants: Adam W. Deitch (adam.deitch@usdoj.gov, sylvia.cooper@usdoj.gov),
Elianna J. Nuzum (elianna.nuzum@usdoj.gov, scheung@usa.doj.gov, scooper@usa.doj.gov,
usama.ecf@usdoj.gov), Magistrate Judge M. Page Kelley (erika_page@mad.uscourts.gov,
honorable_page_kelley@mad.uscourts.gov, kellyann_moore@mad.uscourts.gov,
patricia_macdougall@mad.uscourts.gov), District Judge Leo T. Sorokin
(alisha_jarwala@mad.uscourts.gov, amy_robinson@mad.uscourts.gov,
honorable_leo_sorokin@mad.uscourts.gov, maximilian_crema@mad.uscourts.gov)
--Non Case Participants: Media Account (media@mad.uscourts.gov)
--No Notice Sent:

Message-Id:9052638@mad.uscourts.gov
Subject:Activity in Case 1:20-cr-10213-LTS USA v. Rodriguez Notice of Rescheduling
Content-Type: text/html

United States District Court

District of Massachusetts

Notice of Electronic Filing

The following transaction was entered on 11/17/2020 at 3:43 PM EST and filed on 11/17/2020

Case Name: USA v. Rodriguez
Case Number: 1:20-cr-10213-LTS
Filer:
Document Number: 12(No document attached)

Docket Text:

ELECTRONIC NOTICE OF RESCHEDULING as to Iyaury Rodriguez: Initial Appearance set for 11/23/2020 02:30 PM in Remote Proceeding : Boston before Magistrate Judge M. Page Kelley.

This hearing will be conducted by video conference. Counsel of record will receive a video conference invite at the email registered in CM/ECF. If you have technical or compatibility issues with the technology, please notify the session's courtroom deputy as soon as possible.

Access to the hearing will be made available to the media and public. In order to gain access to the hearing, you must sign up at the following address: <https://forms.mad.uscourts.gov/courtlist.html>.

For questions regarding access to hearings, you may refer to the Court's general orders and public notices available on www.mad.uscourts.gov or contact media@mad.uscourts.gov.

(Belmont, Kellyann)

1:20-cr-10213-LTS-1 Notice has been electronically mailed to:

Elianna J. Nuzum elianna.nuzum@usdoj.gov, SCheung@usa.doj.gov, SCooper@usa.doj.gov,
USAMA. ECF@usdoj.gov

Adam W. Deitch adam.deitch@usdoj.gov, sylvia.cooper@usdoj.gov

1:20-cr-10213-LTS-1 Notice will not be electronically mailed to:

MIME-Version:1.0
From:ECFnotice@mad.uscourts.gov
To:CourtCopy@localhost.localdomain
Bcc:
--Case Participants: Adam W. Deitch (adam.deitch@usdoj.gov, sylvia.cooper@usdoj.gov), Tracy A. Miner (tminer@mosllp.com), Elianna J. Nuzum (elianna.nuzum@usdoj.gov, scheung@usa.doj.gov, scooper@usa.doj.gov, usama.ecf@usdoj.gov), Magistrate Judge M. Page Kelley (erika_page@mad.uscourts.gov, honorable_page_kelley@mad.uscourts.gov, kellyann_moore@mad.uscourts.gov, patricia_macdougall@mad.uscourts.gov), District Judge Leo T. Sorokin (alisha_jarwala@mad.uscourts.gov, amy_robinson@mad.uscourts.gov, honorable_leo_sorokin@mad.uscourts.gov, maximilian_crema@mad.uscourts.gov)
--Non Case Participants: Luciana Sousa (luciana_sousa@map.uscourts.gov)
--No Notice Sent:

Message-Id:9061332@mad.uscourts.gov
Subject:Activity in Case 1:20-cr-10213-LTS USA v. Rodriguez Notice Canceling Hearing or Other Deadline
Content-Type: text/html

United States District Court

District of Massachusetts

Notice of Electronic Filing

The following transaction was entered on 11/23/2020 at 2:45 PM EST and filed on 11/23/2020

Case Name: USA v. Rodriguez

Case Number: 1:20-cr-10213-LTS

Filer:

Document Number: 13 (No document attached)

Docket Text:

ELECTRONIC NOTICE CANCELING HEARING as to Iyaury Rodriguez. Hearing or Deadline canceled: Initial Appereance set for 11/23/2020 is cancelled and will be rescheduled. (Belmont, Kellyann)

1:20-cr-10213-LTS-1 Notice has been electronically mailed to:

Tracy A. Miner tminer@mosllp.com

Elianna J. Nuzum elianna.nuzum@usdoj.gov, SCheung@usa.doj.gov, SCooper@usa.doj.gov, USAMA. ECF@usdoj.gov

Adam W. Deitch adam.deitch@usdoj.gov, sylvia.cooper@usdoj.gov

1:20-cr-10213-LTS-1 Notice will not be electronically mailed to:

MIME-Version:1.0
From:ECFnotice@mad.uscourts.gov
To:CourtCopy@localhost.localdomain
Bcc:
--Case Participants: Adam W. Deitch (adam.deitch@usdoj.gov, sylvia.cooper@usdoj.gov), Tracy A. Miner (tminer@mosllp.com), Elianna J. Nuzum (elianna.nuzum@usdoj.gov, scheung@usa.doj.gov, scooper@usa.doj.gov, usama.ecf@usdoj.gov), Magistrate Judge M. Page Kelley (erika_page@mad.uscourts.gov, honorable_page_kelley@mad.uscourts.gov, kellyann_moore@mad.uscourts.gov, patricia_macdougall@mad.uscourts.gov), District Judge Leo T. Sorokin (alisha_jarwala@mad.uscourts.gov, amy_robinson@mad.uscourts.gov, honorable_leo_sorokin@mad.uscourts.gov, maximilian_crema@mad.uscourts.gov)
--Non Case Participants: Luciana Sousa (luciana_sousa@map.uscourts.gov), Customer Service (mad_customer_service@mad.uscourts.gov), Media Account (media@mad.uscourts.gov), VictimRights (kathleen.griffin@usdoj.gov), VictimRights2 (jessica.pooler@usdoj.gov)
--No Notice Sent:

Message-Id:9063507@mad.uscourts.gov
Subject:Activity in Case 1:20-cr-10213-LTS USA v. Rodriguez Notice of Hearing for Initial Appearance
Content-Type: text/html

United States District Court

District of Massachusetts

Notice of Electronic Filing

The following transaction was entered on 11/24/2020 at 2:04 PM EST and filed on 11/24/2020

Case Name: USA v. Rodriguez
Case Number: 1:20-cr-10213-LTS

Filer:

Document Number: 14 (No document attached)

Docket Text:

ELECTRONIC NOTICE OF HEARING for Initial Appearance as to Iyaury Rodriguez.

This hearing will be conducted by video conference. Counsel of record will receive a video conference invite at the email registered in CM/ECF. If you have technical or compatibility issues with the technology, please notify the session's courtroom deputy as soon as possible.

Access to the hearing will be made available to the media and public. In order to gain access to the hearing, you must sign up at the following address: <https://forms.mad.uscourts.gov/courtlist.html>.

For questions regarding access to hearings, you may refer to the Court's general orders and public notices available on www.mad.uscourts.gov or contact media@mad.uscourts.gov.

Initial Appearance set for 12/1/2020 01:00 PM in Remote Proceeding : Boston before Magistrate Judge M. Page Kelley. (Belmont, Kellyann)

1:20-cr-10213-LTS-1 Notice has been electronically mailed to:

Tracy A. Miner tminer@mosllp.com

Elianna J. Nuzum elianna.nuzum@usdoj.gov, SCheung@usa.doj.gov, SCooper@usa.doj.gov, USAMA. ECF@usdoj.gov

Adam W. Deitch adam.deitch@usdoj.gov, sylvia.cooper@usdoj.gov

1:20-cr-10213-LTS-1 Notice will not be electronically mailed to:

MIME-Version:1.0
From:ECFnotice@mad.uscourts.gov
To:CourtCopy@localhost.localdomain
Bcc:
--Case Participants: Adam W. Deitch (adam.deitch@usdoj.gov, sylvia.cooper@usdoj.gov), Tracy A. Miner (tminer@mosllp.com), Elianna J. Nuzum (elianna.nuzum@usdoj.gov, scheung@usa.doj.gov, scooper@usa.doj.gov, usama.ecf@usdoj.gov), Magistrate Judge M. Page Kelley (erika_page@mad.uscourts.gov, honorable_page_kelley@mad.uscourts.gov, kellyann_moore@mad.uscourts.gov, patricia_macdougall@mad.uscourts.gov), District Judge Leo T. Sorokin (alisha_jarwala@mad.uscourts.gov, amy_robinson@mad.uscourts.gov, honorable_leo_sorokin@mad.uscourts.gov, maximilian_crema@mad.uscourts.gov)
--Non Case Participants: Luciana Sousa (luciana_sousa@map.uscourts.gov)
--No Notice Sent:

Message-Id:9070091@mad.uscourts.gov
Subject:Activity in Case 1:20-cr-10213-LTS USA v. Rodriguez Notice Canceling Hearing or Other Deadline
Content-Type: text/html

United States District Court

District of Massachusetts

Notice of Electronic Filing

The following transaction was entered on 12/1/2020 at 2:35 PM EST and filed on 12/1/2020

Case Name: USA v. Rodriguez

Case Number: 1:20-cr-10213-LTS

Filer:

Document Number: 15 (No document attached)

Docket Text:

ELECTRONIC NOTICE CANCELLING HEARING as to Iyaury Rodriguez. Due to technical issues at the institution the Initial appearance set for 12/1/2020 in front of Chief Magistrate Judge Kelley is cancelled and will be rescheduled. (Belmont, Kellyann)

1:20-cr-10213-LTS-1 Notice has been electronically mailed to:

Tracy A. Miner tminer@mosllp.com

Elianna J. Nuzum elianna.nuzum@usdoj.gov, SCheung@usa.doj.gov, SCooper@usa.doj.gov, USAMA.ECF@usdoj.gov

Adam W. Deitch adam.deitch@usdoj.gov, sylvia.cooper@usdoj.gov

1:20-cr-10213-LTS-1 Notice will not be electronically mailed to:

MIME-Version:1.0
From:ECFnotice@mad.uscourts.gov
To:CourtCopy@localhost.localdomain
Bcc:
--Case Participants: Adam W. Deitch (adam.deitch@usdoj.gov, sylvia.cooper@usdoj.gov), Tracy A. Miner (tminer@mosllp.com), Elianna J. Nuzum (elianna.nuzum@usdoj.gov, scheung@usa.doj.gov, scooper@usa.doj.gov, usama.ecf@usdoj.gov), Magistrate Judge M. Page Kelley (erika_page@mad.uscourts.gov, honorable_page_kelley@mad.uscourts.gov, kellyann_moore@mad.uscourts.gov, patricia_macdougall@mad.uscourts.gov), District Judge Leo T. Sorokin (alisha_jarwala@mad.uscourts.gov, amy_robinson@mad.uscourts.gov, honorable_leo_sorokin@mad.uscourts.gov, maximilian_crema@mad.uscourts.gov)
--Non Case Participants: Luciana Sousa (luciana_sousa@map.uscourts.gov), Customer Service (mad_customer_service@mad.uscourts.gov), Media Account (media@mad.uscourts.gov), VictimRights (kathleen.griffin@usdoj.gov), VictimRights2 (jessica.pooler@usdoj.gov)
--No Notice Sent:

Message-Id:9071817@mad.uscourts.gov
Subject:Activity in Case 1:20-cr-10213-LTS USA v. Rodriguez Notice of Hearing for Initial Appearance
Content-Type: text/html

United States District Court

District of Massachusetts

Notice of Electronic Filing

The following transaction was entered on 12/2/2020 at 1:45 PM EST and filed on 12/2/2020

Case Name: USA v. Rodriguez

Case Number: 1:20-cr-10213-LTS

Filer:

Document Number: 16(No document attached)

Docket Text:

ELECTRONIC NOTICE OF HEARING for Initial Appearance as to Iyaury Rodriguez.

This hearing will be conducted by video conference. Counsel of record will receive a video conference invite at the email registered in CM/ECF. If you have technical or compatibility issues with the technology, please notify the session's courtroom deputy as soon as possible.

Access to the hearing will be made available to the media and public. In order to gain access to the hearing, you must sign up at the following address: <https://forms.mad.uscourts.gov/courtlist.html>.

For questions regarding access to hearings, you may refer to the Court's general orders and public notices available on www.mad.uscourts.gov or contact media@mad.uscourts.gov.

Initial Appearance set for 12/4/2020 11:30 AM in Remote Proceeding : Boston before Magistrate Judge M. Page Kelley. (Belmont, Kellyann)

1:20-cr-10213-LTS-1 Notice has been electronically mailed to:

Tracy A. Miner tminer@mosllp.com

Elianna J. Nuzum elianna.nuzum@usdoj.gov, SCheung@usa.doj.gov, SCooper@usa.doj.gov, USAMA. ECF@usdoj.gov

Adam W. Deitch adam.deitch@usdoj.gov, sylvia.cooper@usdoj.gov

1:20-cr-10213-LTS-1 Notice will not be electronically mailed to:

MIME-Version:1.0
From:ECFnotice@mad.uscourts.gov
To:CourtCopy@localhost.localdomain
Bcc:
--Case Participants: Adam W. Deitch (adam.deitch@usdoj.gov, sylvia.cooper@usdoj.gov), Tracy A. Miner (tminer@mosllp.com), Elianna J. Nuzum (elianna.nuzum@usdoj.gov, scheung@usa.doj.gov, scooper@usa.doj.gov, usama.ecf@usdoj.gov), Magistrate Judge M. Page Kelley (erika_page@mad.uscourts.gov, honorable_page_kelley@mad.uscourts.gov, kellyann_moore@mad.uscourts.gov, patricia_macdougall@mad.uscourts.gov), District Judge Leo T. Sorokin (alisha_jarwala@mad.uscourts.gov, amy_robinson@mad.uscourts.gov, honorable_leo_sorokin@mad.uscourts.gov, maximilian_crema@mad.uscourts.gov)
--Non Case Participants: Luciana Sousa (luciana_sousa@map.uscourts.gov), Probation (mapdb_court_notices@map.uscourts.gov)
--No Notice Sent:

Message-Id:9075487@mad.uscourts.gov
Subject:Activity in Case 1:20-cr-10213-LTS USA v. Rodriguez Initial Appearance
Content-Type: text/html

United States District Court

District of Massachusetts

Notice of Electronic Filing

The following transaction was entered on 12/4/2020 at 12:16 PM EST and filed on 12/4/2020

Case Name: USA v. Rodriguez

Case Number: 1:20-cr-10213-LTS

Filer:

Document Number: 17 (No document attached)

Docket Text:

Electronic Clerk's Notes for proceedings held before Magistrate Judge M. Page Kelley: Initial Appearance and Arraignment as to Iyaury Rodriguez (1) Counts 1-3,4-6,7-9 held via video on 12/4/2020. Hearing held in open Court. Interpreter sworn. Court has colloquy with defendant about whether or not he waives his presence in the courtroom for the hearing. Defendant waives his presence in the courtroom for the hearing and Court finds waiver knowing and voluntary. Court goes over the proceedings and advises defendant of his rights. Court has colloquy with defendant about whether or not he understands the charges and his rights. Court appoints attorney Miner as of 11/23/20 subject to review of financial affidavit. Government states charges and maximum possible penalties. Defendant waives formal reading of indictment. Not Guilty Plea entered by Iyaury Rodriguez (1) on Counts 1-3,4-6,7-9. Government moves for detention. Defendant is currently awaiting trial in Pennsylvania. Court has colloquy with defendant and with enter a voluntary order of detention pursuant to US v. King. Initial Status Conference set for 2/5/2021 12:00 PM in Remote Proceeding : Boston before Magistrate Judge M. Page Kelley. Order excluding time under the Speedy Trial Act to issue. (Attorneys present: Adam Deitch for the government and Tracy Miner for the defendant. Steven Killelea for Probation.)Court Reporter Name and Contact or digital recording information: Debra Joyce at joycedebra@gmail.com. Interpreter name: Joaquin Font, Language: Spanish. (Belmont, Kellyann)

1:20-cr-10213-LTS-1 Notice has been electronically mailed to:

Tracy A. Miner tminer@mosllp.com

Elianna J. Nuzum elianna.nuzum@usdoj.gov, SCheung@usa.doj.gov, SCooper@usa.doj.gov, USAMA.ECF@usdoj.gov

Adam W. Deitch adam.deitch@usdoj.gov, sylvia.cooper@usdoj.gov

1:20-cr-10213-LTS-1 Notice will not be electronically mailed to:

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

No. 20-CR-10213-LTS

UNITED STATES OF AMERICA

v.

IYAURY RODRIGUEZ

ORDER ON DETENTION MOTION

KELLEY, M.J.

The defendant had an initial appearance on December 4, 2020, on the above-numbered indictment. The government moved for detention. Represented by counsel, defendant waived a detention hearing without prejudice. He is presently awaiting trial in state custody in Pennsylvania. The court will therefore continue the detention hearing in the instant case until such time as the defendant is released from state custody in accord with the protocol set forth in United States v. King, 818 F.2d 112, 115, n. 3 (1st Cir. 1987).

Thus, it is ORDERED that: (1) the detention hearing is continued generally; (2) the defendant is DETAINED pending the detention hearing, see 18 U.S.C. § 3142 ("During a continuance, the defendant shall be detained. . . ."); and (3) the U.S. Marshal lodge a detainer against the defendant with the state authorities on the basis of this Order.

/s/ Page Kelley
Page Kelley
UNITED STATES MAGISTRATE JUDGE

Date: December 4, 2020

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NO. 20-CR-10213-LTS

UNITED STATES OF AMERICA

v.

IYAURY RODRIGUEZ

ORDER PURSUANT TO
FEDERAL RULE OF CRIMINAL PROCEDURE 5

December 4, 2020

KELLEY, U.S.M.J.

In compliance with the Due Process Protections Act, the Court issues the following Order. Consistent with *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny, the United States is ordered to disclose all exculpatory information, in a timely manner, to the defendant. This information includes, but is not limited to, evidence that is material and is favorable to the accused. Specific categories of exculpatory evidence that must be provided to the defense are set out in Local Rule 116.2. The failure to discharge this obligation may result in consequences, including the reversal of any conviction, exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, and/or sanctions by the Court.

So Ordered.

/ s / Page Kelley
PAGE KELLEY
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES,

Plaintiff,

NO. 20-CR-10213-LTS

v.

IYAURY RODRIGUEZ,

Defendant

ORDER ON EXCLUDABLE DELAY

KELLEY, U.S.M.J.

Defendant had an initial appearance and was arraigned today, December 4, 2020. The case is continued to February 5, 2020 at 12:00 p.m. for a status conference.

With the agreement of the parties, the Court finds that the interests of justice in this case, *i.e.*, to allow the parties time to review discovery and prepare for trial, outweigh the best interests of the public and defendant for a trial within seventy days of the date of the defendant's indictment.

Accordingly, it is hereby ORDERED that, pursuant to the provisions of 18 U.S.C. § 3161(h)(7)(A), the Clerk of this Court enter excludable time for the period from December 4, 2020, up to and including February 5, 2021.¹

¹ The parties are hereby advised that under the provisions of Rule 2(b) of the Rules for United States Magistrates in the United States District Court for the District of Massachusetts, any party may move for reconsideration by a district judge of the determination(s) and order(s) set forth herein within fourteen (14) days after receipt of a copy of this order, unless a different time is prescribed by this court or the district judge. The party seeking reconsideration shall file with the Clerk of this Court, and serve upon all parties, a written notice of the motion which shall specifically designate the order or part thereof to be reconsidered and the basis for the objection thereto. The district judge, upon timely motion, shall reconsider the magistrate

/s/ M. Page Kelley
M. PAGE KELLEY
United States Magistrate Judge

judge's order and set aside any portion thereof found to be clearly erroneous in fact or contrary to law. The parties are further advised that the United States Court of Appeals for this Circuit has indicated that failure to comply with this rule shall preclude further appellate review. See Phinney v. Wentworth Douglas Hospital, 199 F.3d 1 (1st Cir. 1999); Sunview Condo. Ass'n v. Flexel Int'l, 116 F.3d 962 (1st Cir. 1997); Pagano v. Frank, 983 F.2d 343 (1st Cir. 1993).

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

IYAURY RODRIGUEZ,

Defendant

Criminal No. 20-CR-10213-LTS

ASSENTED-TO MOTION FOR DISCOVERY PROTECTIVE ORDER

Pursuant to Federal Rule of Criminal Procedure 16(d), the United States of America, by and through the undersigned Assistant United States Attorneys, with the assent of the Defendant, files this motion for entry of a protective order to govern discovery in this case. A stipulated protective order, which the government has cooperatively negotiated with defense counsel, is attached as Exhibit 1 (the “Protective Order”). The government respectfully requests that the Court endorse and enter the Protective Order.

As grounds for the necessity of a Protective Order in this case, the government states as follows:

1. The Indictment charges defendant IYAURY RODRIGUEZ with three counts each of wire fraud in violation of 18 U.S.C. § 1343, aggravated identity theft in violation of 18 U.S.C. § 1028A(a)(1), and false representation of Social Security number in violation of 42 U.S.C. § 408(a)(7)(B).

2. The government will be producing in automatic discovery numerous documents and materials, like extractions of cell phones and/or other electronic devices, that contain the personal identifying information (“PII”) of identity theft victims, which cannot be easily redacted.

Moreover, redactions sufficient to protect the PII of the victims could render the production difficult for defense counsel to review.

3. Duplication and dissemination of materials containing victims' PII would pose an unnecessary risk of further harm to the identity theft victims.

4. Moreover, some of the materials that the government will be producing in automatic discovery, like extractions of phones and/or other devices, may contain personal information of the defendant and other sensitive information, which should be protected from risk of unnecessary duplication and dissemination.

Therefore, the government requests entry of a protective order that (1) permits the government to designate as "Sensitive" certain materials it produces in discovery, which contain unredacted PII (including names, dates of birth, addresses, and social security numbers) or other sensitive information of identity theft victims or unredacted PII or other sensitive information, and (2) permits the government to designate as "Highly Sensitive" certain materials it produces in discovery, which contain personally identifying information of identity theft victims, the defendant, or others in a format that cannot be redacted (such as extractions of electronic devices), or other information whose dissemination could pose a serious risk of harm to any individual or entity. Pursuant to the proposed protective order, the defendant and his defense teams may use materials marked Sensitive solely for the defense of this case and may not distribute them; materials marked Highly Sensitive are subject to the same protections and more – the defendant is permitted to review, but not personally possess a copy of, Highly Sensitive materials.

Any Sensitive or Highly Sensitive Materials that are filed with the Court in connection with pre-trial motions, trial, sentencing, or other matters before this Court shall be filed under seal and shall remain sealed until otherwise ordered by this Court. The Protective Order does not entitle

either party to seal its filings as a matter of course; it requires the parties to comply in all respects with the relevant local and federal rules of criminal procedure pertaining to the sealing of court documents. It permits the parties to seek modifications of the Protective Order in the future.

The defendant, through counsel, has assented to this motion.

Respectfully submitted,

ANDREW E. LELLING
United States Attorney

/s/ Adam W. Deitch
ELIANNA J. NUZUM
ADAM W. DEITCH
Assistant U.S. Attorneys

Date: January 26, 2021

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants by First Class Mail.

/s/ Adam W. Deitch
ADAM W. DEITCH
Assistant U.S. Attorney

Dated: January 26, 2021

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

IYAURY RODRIGUEZ,

Defendant

Criminal No. 20-CR-10213-LTS

STIPULATED DISCOVERY PROTECTIVE ORDER

Pursuant to Federal Rule of Criminal Procedure 16(d), the government submits, and the defendant does not contest, that good cause exists for the following Protective Order to govern discovery in this case. Nothing in this Order shall limit the ability of the parties to seek modifications of this Protective Order in the future.

1. The government may designate as “Sensitive” certain materials it produces in discovery, whether pursuant to the Federal Rules, the Local Rules, or on a voluntary basis, which materials contain unredacted personally identifying information (“PII”) (including names, dates of birth, addresses, and social security numbers) or other sensitive information of identity theft victims or unredacted PII or other sensitive information. The government may designate as “Highly Sensitive” certain materials it produces in discovery, whether pursuant to the Federal Rules, the Local Rules, or on a voluntary basis, which materials contain personally identifying information of identity theft victims, the defendant, or others in a format that cannot be redacted (such as extractions of electronic devices), or other information whose dissemination could pose a serious risk of harm to any individual or entity.

2. To designate discovery materials as Sensitive or Highly Sensitive, the government will label the document (or, in the case of audio/video recordings, the filename and/or the storage media upon which it is stored), “Sensitive” or “Highly Sensitive.” Materials designated “Sensitive” are hereafter referred to as “Sensitive Materials”; materials designated “Highly Sensitive” are hereafter referred to as “Highly Sensitive Materials.”

3. The term “Defense Team” shall include attorneys of record; attorneys and support staff at the same office as the attorneys of record; and investigators, interpreters, experts, and other individuals retained to participate in the defense of the defendant by attorneys of record. The Defense Team excludes the defendant and any family member of the defendant. The Defense Team is limited to attorneys and agents representing the defendant in this case and does not extend to attorneys or agents representing the defendant in any other case or in any other federal, state, or local court.

4. If an attorney of record wishes to share Sensitive or Highly Sensitive Materials with other members of the Defense Team, the attorney of record shall first provide a copy of this Protective Order to the member of the Defense Team with whom the Sensitive or Highly Sensitive Materials are intended to be shared.

5. Sensitive Materials shall be accessed and reviewed only by the defendant and members of the Defense Team; Sensitive Materials shall be copied only by members of the Defense Team. Except as set forth in paragraphs 6 through 8 below, Highly Sensitive Materials shall be accessed, reviewed, and/or copied only by members of the Defense Team.

6. The defendant and the Defense Team shall maintain Sensitive and Highly Sensitive Materials in accordance with this Agreement, and Sensitive and Highly Sensitive Materials shall

be used by the defendant and the Defense Team solely and exclusively in connection with the litigation and trial of this case and any related appeal.

7. The defendant's Defense Team may distribute a copy of Sensitive Materials to the defendant, after ensuring that the defendant is aware of, has been provided with a copy of, and understands the terms of this Protective Order. The Defense Team shall not distribute any copies of any Highly Sensitive Materials to the defendant. The defendant is permitted to review Highly Sensitive Materials in the presence of a Defense Team member who has agreed to be bound by this Protective Order, or, in the case of recordings that are provided to the jail pursuant to Local Rule 116.4, on a computer, hard drive, or other digital media provided to them for purposes of such review. In no circumstances shall any member of the Defense Team leave any Highly Sensitive Materials alone with the defendant, even for a limited period, absent Order of this Court. The Defendant is not permitted to make copies of any Sensitive Materials or Highly Sensitive Materials.

8. The defendant is not permitted to maintain any Highly Sensitive Materials or copies of Highly Sensitive Materials absent Order of this Court, except as provided above in paragraph 7.

9. The defendant shall be permitted to take notes regarding Sensitive and Highly Sensitive Materials for the limited purpose of consulting with his Defense Team and/or preparing his defense. However, any distribution, copying, mailing, or use of notes of Sensitive or Highly Sensitive Materials outside the Defense Team shall be viewed as a violation of this Protective Order and subject to sanction as determined by the Court.

10. Any Sensitive or Highly Sensitive Materials that are filed with the Court in connection with pre-trial motions, trial, sentencing, or other matters before this Court shall be filed

under seal and shall remain sealed until otherwise ordered by this Court, or shall be redacted prior to filing in a manner that is mutually agreeable to the parties. The parties shall comply in all respects with the relevant Federal Rules of Criminal Procedure and Local Rules pertaining to the sealing of court documents.

11. The Defendant through the Defense Team may contest the designation of any materials labeled “Sensitive” or “Highly Sensitive” by filing a motion with the Court after consultation with attorneys for the government.

12. Violation of this Protective Order shall be subject to sanction. Absent further Order of the Court, the terms of this Protective Order shall continue to be in effect and binding following the termination of the case.

SO STIPULATED:

IYAURY RODRIGUEZ
By his attorney,

/s/ Tracy A. Miner
Tracy A. Miner
Miner Siddall LLP
101 Federal Street, Suite 650
Boston, MA 02110
tminer@msdefenders.com
617.202.5890

UNITED STATES OF AMERICA
By its attorneys,

ANDREW E. LELLING
United States Attorney

/s/ Adam W. Deitch
Elianna J. Nuzum
Adam W. Deitch
Assistant United States Attorneys
John Joseph Moakley U.S. Courthouse
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Boston, MA 02210
elianna.nuzum@usdoj.gov
adam.deitch@usdoj.gov
617.748.3100

Dated: January 26, 2021

CERTIFICATE OF SERVICE

Undersigned counsel certifies that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ Adam W. Deitch _____

Adam W. Deitch
Assistant United States Attorney

Dated: January 26, 2021

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From:ECFnotice@mad.uscourts.gov
To:CourtCopy@localhost.localdomain
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--Case Participants: Adam W. Deitch (adam.deitch@usdoj.gov, sylvia.cooper@usdoj.gov) , Tracy A. Miner (tminer@msdefenders.com) , Elianna J. Nuzum (elianna.nuzum@usdoj.gov, scheung@usa.doj.gov, scooper@usa.doj.gov, usama.ecf@usdoj.gov) , Magistrate Judge M. Page Kelley (erika_page@mad.uscourts.gov, honorable_page_kelley@mad.uscourts.gov, kellyann_moore@mad.uscourts.gov, patricia_macdougall@mad.uscourts.gov) , District Judge Leo T. Sorokin (alisha_jarwala@mad.uscourts.gov, amy_robinson@mad.uscourts.gov, honorable_leo_sorokin@mad.uscourts.gov, maximilian_crema@mad.uscourts.gov)
--Non Case Participants: Luciana Sousa (luciana_sousa@map.uscourts.gov)
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Message-Id:9142666@mad.uscourts.gov
Subject:Activity in Case 1:20-cr-10213-LTS USA v. Rodriguez Order on Motion for Protective Order
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United States District Court

District of Massachusetts

Notice of Electronic Filing

The following transaction was entered on 1/27/2021 at 2:58 PM EST and filed on 1/27/2021

Case Name: USA v. Rodriguez

Case Number: 1:20-cr-10213-LTS

Filer:

Document Number: 23(No document attached)

Docket Text:

Magistrate Judge M. Page Kelley: ELECTRONIC ORDER entered granting [22] Assented-to Motion for Protective Order as to Iyaury Rodriguez (1) (Belmont, Kellyann)

1:20-cr-10213-LTS-1 Notice has been electronically mailed to:

Tracy A. Miner tminer@msdefenders.com

Elianna J. Nuzum elianna.nuzum@usdoj.gov, SCheung@usa.doj.gov, SCooper@usa.doj.gov, USAMA. ECF@usdoj.gov

Adam W. Deitch adam.deitch@usdoj.gov, sylvia.cooper@usdoj.gov

1:20-cr-10213-LTS-1 Notice will not be electronically mailed to:

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

IYAUARY RODRIGUEZ,

Defendant.

Case No. 20-CR-10213-LTS

**JOINT INITIAL STATUS REPORT AND
REQUEST TO CANCEL INITIAL STATUS CONFERENCE**

Pursuant to Local Rule 116.5(a), the parties hereby file the following joint initial status report prepared in connection with the initial status conference scheduled for February 5, 2021.

(1) Automatic Discovery/Pending Discovery Requests

The Government provided automatic discovery in a substantial production dated February 2, 2021.

(2) Additional Discovery

While the Government's February 2, 2021 production includes a substantial portion of automatic discovery, the Government will continue to review and produce discovery in accordance with Local Rule 116.1(c), in particular with respect to extractions and forensic review of relevant seized electronic devices.

(3) Timing of Additional Discovery Requests

The Defendant needs to review discovery and has not yet determined whether he will need to request additional discovery.

(4) Protective Orders

The parties filed a motion for entry of a Stipulated Protective Order, which was allowed on January 26, 2021. Dkt. No. 22. Defense counsel's review of the discovery with the Defendant is impeded by the pandemic, as the Protective Order prohibits providing copies of highly sensitive materials to the Defendant outside the presence of counsel.

(5) Pretrial Motions

It is premature to decide whether the Defendant will file any pretrial motions under Fed. R. Crim. P. 12(b).

(6) Expert Discovery

The Government agrees to provide any expert witness disclosures 21 days prior to trial. The Defendant agrees to provide any expert witness disclosures 14 days prior to trial.

(7) Speedy Trial Act

All of the time has been excluded from the Defendant's arraignment on December 4, 2020 through the date of the initial status conference scheduled for February 5, 2021. The parties request that the time be excluded until the interim status conference.

(8) Next Status Conference

Given all of the foregoing information, including the ongoing review of discovery, the parties request that the initial status conference, scheduled for February 5, 2021, be adjourned. The parties request an interim status conference in approximately 45 days.

Respectfully submitted,

<p>IYAURY RODRIGUEZ, By his attorney, <u>/s/ Tracy A. Miner</u> Tracy A. Miner Miner Siddall LLP 101 Federal Street, Suite 650 Boston, MA 02210 tminer@msdefenders.com 617-273-8421</p>	<p>UNITED STATES OF AMERICA, By its attorney, ANDREW E. LELLING United States Attorney <u>/s/ Adam W. Deitch</u> Elianna J. Nuzum Adam W. Deitch Assistant United States Attorneys John Joseph Moakley U.S. Courthouse One Courthouse Way, Suite 9200 Boston, MA 02210 elianna.nuzum@usdoj.gov adam.deitch@usdoj.gov 617-748-3100</p>
---	---

Dated: February 3, 2021

CERTIFICATE OF SERVICE

Undersigned counsel certifies that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ Adam W. Deitch _____

Adam W. Deitch
Assistant United States Attorney

Dated: February 3, 2021

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From:ECFnotice@mad.uscourts.gov
To:CourtCopy@localhost.localdomain
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--Case Participants: Adam W. Deitch (adam.deitch@usdoj.gov, sylvia.cooper@usdoj.gov) , Tracy A. Miner (tminer@msdefenders.com) , Elianna J. Nuzum (elianna.nuzum@usdoj.gov, scheung@usa.doj.gov, scooper@usa.doj.gov, usama.ecf@usdoj.gov) , Magistrate Judge M. Page Kelley (erika_page@mad.uscourts.gov, honorable_page_kelley@mad.uscourts.gov, kellyann_moore@mad.uscourts.gov, patricia_macdougall@mad.uscourts.gov) , District Judge Leo T. Sorokin (alisha_jarwala@mad.uscourts.gov, amy_robinson@mad.uscourts.gov, honorable_leo_sorokin@mad.uscourts.gov, maximilian_crema@mad.uscourts.gov)
--Non Case Participants: Luciana Sousa (luciana_sousa@map.uscourts.gov)
--No Notice Sent:

Message-Id:9152192@mad.uscourts.gov
Subject:Activity in Case 1:20-cr-10213-LTS USA v. Rodriguez Notice Canceling Hearing or Other Deadline
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United States District Court

District of Massachusetts

Notice of Electronic Filing

The following transaction was entered on 2/3/2021 at 4:33 PM EST and filed on 2/3/2021

Case Name: USA v. Rodriguez

Case Number: 1:20-cr-10213-LTS

Filer:

Document Number: 25(No document attached)

Docket Text:

ELECTRONIC NOTICE CANCELLING HEARING as to Iyaury Rodriguez. In light of joint status report #[26] The status hearing set for 2/5/2021 in front of Chief Judge Kelley is cancelled and a further status to be set. (Belmont, Kellyann)

1:20-cr-10213-LTS-1 Notice has been electronically mailed to:

Tracy A. Miner tminer@msdefenders.com

Elianna J. Nuzum elianna.nuzum@usdoj.gov, SCheung@usa.doj.gov, SCooper@usa.doj.gov, USAMA.ECF@usdoj.gov

Adam W. Deitch adam.deitch@usdoj.gov, sylvia.cooper@usdoj.gov

1:20-cr-10213-LTS-1 Notice will not be electronically mailed to:

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CRIMINAL NO.
20-cr-10213-LTS

UNITED STATES OF AMERICA

v.

IYAURY RODRIGUEZ

INITIAL STATUS REPORT

February 3, 2021

KELLEY, U.S.M.J.

Defendant had an initial status conference scheduled for February 5, 2021. The parties filed a joint report asking that the case be continued for an interim status conference (#24). The court enters the following report and order.

- A. Automatic discovery has been provided by the government to defendant. The defendant is reviewing the discovery.
- B. In this court's view, this is not a case involving unusual or complex issues for which an early joint conference of the district judge and the magistrate judge with counsel of record would be useful.
- C. It is too early to set a date for the filing of any dispositive motions.
- D. Defendant requests expert discovery, and the government will provide expert disclosures 21 days before trial and defendant, 14 days.
- E. With the agreement of the parties, this court finds and concludes, pursuant to the provisions of 18 U.S.C. § 3161 (h)(7)(A) that the interests of justice, i.e., review of the case, review of evidence, investigation, evaluation of discovery and dispositive motions, and consideration of alternatives concerning how best to proceed with this matter, outweighs the best interests of the public and the defendant for a trial within seventy days of the return of an indictment.

Accordingly, it is hereby ordered that, pursuant to the provisions of 18 U.S.C. § 3161 (h)(7)(A) the Clerk of this Court enter excludable time for the period of February 5, 2021 through March 25, 2021, under the Speedy Trial Act.¹

F. An Interim Status Conference is scheduled for March 25, 2021 at 11:15 a.m.

/ s / Page Kelley
PAGE KELLEY
UNITED STATES MAGISTRATE JUDGE

¹ The parties are hereby advised that under the provisions of Rule 2(b) of the Rules for United States Magistrates in the United States District Court for the District of Massachusetts, any party may move for reconsideration by a district judge of the determination(s) and order(s) set forth herein within ten (10) days after receipt of a copy of this order, unless a different time is prescribed by this court or the district judge. The party seeking reconsideration shall file with the Clerk of this Court, and serve upon all parties, a written notice of the motion which shall specifically designate the order or part thereof to be reconsidered and the basis for the objection thereto. The district judge, upon timely motion, shall reconsider the magistrate's order and set aside any portion thereof found to be clearly erroneous in fact or contrary to law. The parties are further advised that the United States Court of Appeals for this Circuit has indicated that failure to comply with this rule shall preclude further appellate review. See Keating v. Secretary of Health and Human Services, 848 F.2d 271 (1st Cir. 1988); United States v. Emiliano Valencia-Copete, 792 F.2d 4 (1st Cir. 1986); Park Motor Mart, Inc. v. Ford Motor Co., 616 F.2d 603 (1st Cir. 1980); United States v. Vega, 678 F.2d 376, 378-379 (1st Cir. 1982); Scott v. Schweiker, 702 F.2d 13, 14 (1st Cir. 1983); see also Thomas v. Arn, 474 U.S. 140, 106 S. Ct. 466 (1985).

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

IYAUARY RODRIGUEZ,

Defendant.

Case No. 20-CR-10213-LTS

**JOINT INTERIM STATUS REPORT AND
REQUEST TO CANCEL INTERIM STATUS CONFERENCE**

Pursuant to Local Rule 116.5(b), the parties hereby file the following joint interim status report prepared in connection with the interim status conference scheduled for March 25, 2021; request to cancel the hearing; request to schedule a further status conference in 45 days; and request that the time until the next status conference be excluded under the Speedy Trial Act.

(1) Automatic Discovery/Pending Discovery Requests

The Government provided automatic discovery in a substantial document production dated February 2, 2021.

(2) Additional Discovery

Beyond the Government's initial production of automatic discovery on February 2, 2021, the Government will continue to review and produce discovery in accordance with Local Rule 116.1(c), in particular with respect to extractions and forensic review of relevant seized electronic devices.

(3) Timing of Additional Discovery Requests

With its February 2, 2021 production, the Government requested reciprocal discovery from the Defendant. The Defendant is in the process of reviewing the Government's discovery, discussing it with the Government, and evaluating the need for any additional requests.

(4) Protective Orders

The parties filed a motion for entry of a Stipulated Protective Order, which was allowed on January 27, 2021. (Dkt. No. 23.) Defense counsel's review of the discovery with the Defendant is impeded by the pandemic because the Protective Order prohibits providing copies of highly sensitive materials to the defendant outside the presence of counsel.

(5) Pretrial Motions

The Defendant has not yet determined whether he will file any pretrial motions under Fed. R. Crim. P. 12(b).

(6) Expert Discovery

The Government proposes that it provide any expert witness disclosures 21 days prior to trial and that the Defendant provide any expert witness disclosures 14 days prior to trial.

(7) Defenses of Insanity, Public Authority, or Alibi

At this time, the Defendant reserves the right to raise the defenses of insanity, public authority, or alibi. The Defendant will inform the government within 30 days if any of these defenses will be raised.

(8) Speedy Trial Act

All of the time has been excluded from the defendant's arraignment on December 4, 2020 through the date of the interim status conference scheduled for March 25, 2021. The parties request that the time be excluded until the next status conference.

(9) Status of Plea Discussions; Likelihood and Estimated Length of Trial

The parties have not yet engaged in preliminary discussions about a potential resolution of the case. If a trial is necessary, the parties estimate that a trial in this matter would take approximately four to five days.

(continued on next page)

(10) Next Status Conference

Given all of the foregoing information, including the ongoing review of discovery, the parties request that the interim status conference, scheduled for March 25, be adjourned. The parties request a final status conference in approximately 45 days.

Respectfully submitted,

<p>IYAURY RODRIGUEZ, By his attorney, <u>/s/ Tracy A. Miner</u> Tracy A. Miner Miner Siddall LLP 101 Federal Street, Suite 650 Boston, MA 02210 tminer@msdefenders.com 617-273-8421</p>	<p>UNITED STATES OF AMERICA, By its attorney, NATHANIEL R. MENDELL Acting United States Attorney <u>/s/ Adam W. Deitch</u> Elianna J. Nuzum Adam W. Deitch Assistant United States Attorneys John Joseph Moakley U.S. Courthouse One Courthouse Way, Suite 9200 Boston, MA 02210 elianna.nuzum@usdoj.gov adam.deitch@usdoj.gov 617-748-3100</p>
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Dated: March 24, 2021

CERTIFICATE OF SERVICE

Undersigned counsel certifies that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ Adam W. Deitch _____

Adam W. Deitch
Assistant United States Attorney

Dated: March 24, 2021

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--Case Participants: Adam W. Deitch (adam.deitch@usdoj.gov, sylvia.cooper@usdoj.gov) , Tracy A. Miner (tminer@msdefenders.com) , Elianna J. Nuzum (elianna.nuzum@usdoj.gov, scheung@usa.doj.gov, scooper@usa.doj.gov, usama.ecf@usdoj.gov) , Magistrate Judge M. Page Kelley (honorable_page_kelley@mad.uscourts.gov, kellyann_moore@mad.uscourts.gov, kerry_ferguson@mad.uscourts.gov, patricia_macdougall@mad.uscourts.gov) , District Judge Leo T. Sorokin (alisha_jarwala@mad.uscourts.gov, amy_robinson@mad.uscourts.gov, honorable_leo_sorokin@mad.uscourts.gov, maximilian_crema@mad.uscourts.gov)
--Non Case Participants: Luciana Sousa (luciana_sousa@map.uscourts.gov)
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Message-Id:9228028@mad.uscourts.gov
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United States District Court

District of Massachusetts

Notice of Electronic Filing

The following transaction was entered on 3/25/2021 at 9:53 AM EDT and filed on 3/25/2021

Case Name: USA v. Rodriguez

Case Number: 1:20-cr-10213-LTS

Filer:

Document Number: 28(No document attached)

Docket Text:

ELECTRONIC NOTICE CANCELING Interim Status Conference as to Iyaury Rodriguez based on joint submission filed by counsel. New date and Order on Excludable Delay to issue. (Belpedio, Lisa)

1:20-cr-10213-LTS-1 Notice has been electronically mailed to:

Tracy A. Miner tminer@msdefenders.com

Elianna J. Nuzum elianna.nuzum@usdoj.gov, SCheung@usa.doj.gov, SCooper@usa.doj.gov, USAMA. ECF@usdoj.gov

Adam W. Deitch adam.deitch@usdoj.gov, sylvia.cooper@usdoj.gov

1:20-cr-10213-LTS-1 Notice will not be electronically mailed to:

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

NO. 20-CR-10213-LTS

v.

IYAURY RODRIGUEZ,

Defendant.

ORDER ON EXCLUDABLE DELAY

KELLEY, U.S.M.J.

Defendant had an interim status conference scheduled for March 25, 2021. The parties filed a status report prior to the conference (#27). Discovery is ongoing. The case is continued to May 10, 2021, at 10:45 a.m., for a final status conference.

With the agreement of the parties, the Court finds that the interests of justice in this case, *i.e.*, to allow the parties time to review discovery and prepare for trial, outweigh the best interests of the public and defendant for a trial within seventy days of the date of indictment. Accordingly, it is hereby ORDERED that, pursuant to the provisions of 18 U.S.C. § 3161(h)(7)(A), the Clerk of this Court enter excludable time for the period from March 25, 2021, up to and including May 10, 2021.¹

¹ The parties are hereby advised that under the provisions of Rule 2(b) of the Rules for United States Magistrates in the United States District Court for the District of Massachusetts, any party may move for reconsideration by a district judge of the determination(s) and order(s) set forth herein within fourteen (14) days after receipt of a copy of this order, unless a different time is prescribed by this court or the district judge. The party seeking reconsideration shall file with the Clerk of this Court, and serve upon all parties, a written notice of the motion which shall specifically designate the order or part thereof to be reconsidered and the basis for the objection thereto. The district judge, upon timely motion, shall reconsider the magistrate judge's order and set aside any portion thereof found to be clearly erroneous in fact or contrary to law. The

/s/ M. Page Kelley
M. PAGE KELLEY
United States Magistrate Judge

parties are further advised that the United States Court of Appeals for this Circuit has indicated that failure to comply with this rule shall preclude further appellate review. See Phinney v. Wentworth Douglas Hospital, 199 F.3d 1 (1st Cir. 1999); Sunview Condo. Ass'n v. Flexel Int'l, 116 F.3d 962 (1st Cir. 1997); Pagano v. Frank, 983 F.2d 343 (1st Cir. 1993).

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

IYAUARY RODRIGUEZ,

Defendant.

Case No. 20-CR-10213-LTS

JOINT STATUS REPORT AND REQUEST TO CANCEL HEARING

Pursuant to Local Rule 116.5(c), the parties hereby file the following joint status report prepared in connection with the final status conference scheduled for May 10, 2021; request to cancel the hearing; request to schedule a further status conference in 60 days; and request that the time until the further status conference be excluded under the Speedy Trial Act.

(1) Request for Further Status Conference

The parties report that this case is not yet ready to be sent to the District Judge, and instead request that the Court schedule a further status conference in 60 days and request that the time until the further status conference be excluded under the Speedy Trial Act.

Specifically, the parties state that it is likely that this case will be transferred to the Eastern District of Pennsylvania to be consolidated with another pending case against the defendant there for a plea and sentencing there pursuant to Fed. R. Crim. P. 20. Accordingly, rather than send this case to the District Judge, the parties suggest that it remain before the Magistrate Judge while the details of the transfer are worked out.

In support of this request the parties state:

(a) Automatic Discovery/Pending Discovery Requests

The Government provided automatic discovery on February 2, 2021. No discovery requests are pending.

(b) Timing of Additional Discovery Requests

The defendant does not currently anticipate requesting additional discovery.

(c) Pretrial Motions

The defendant does not intend to file any motions under Fed. R. Crim. P. 12(b).

(d) Speedy Trial Act

All of the time has been excluded from the defendant's arraignment on December 4, 2020 through the date of the status conference scheduled for May 10, 2021. The parties request that the time be excluded until the next status conference.

(e) Trial Estimate

The government anticipates that a trial would last approximately four to five days.

(2) Other Matters

There are no other matters specific to this particular case that would assist the district judge upon transfer of the case from the magistrate judge.

Respectfully submitted,

IYAURY RODRIGUEZ,

By his attorney,

/s/ Tracy A. Miner

Tracy A. Miner
Miner Siddall LLP
101 Federal Street, Suite 650
Boston, MA 02210
tminer@msdefenders.com
617-273-8421

UNITED STATES OF AMERICA,

By its attorney,

NATHANIEL R. MENDELL
Acting United States Attorney

/s/ Elianna J. Nuzum

Elianna J. Nuzum
Adam W. Deitch
Assistant United States Attorneys
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Dated: May 4, 2021

CERTIFICATE OF SERVICE

Undersigned counsel certifies that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ Elianna J. Nuzum

Elianna J. Nuzum
Assistant United States Attorney

Dated: May 4, 2021

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From:ECFnotice@mad.uscourts.gov
To:CourtCopy@localhost.localdomain
Bcc:
--Case Participants: Adam W. Deitch (adam.deitch@usdoj.gov, sylvia.cooper@usdoj.gov) , Tracy A. Miner (tminer@msdefenders.com) , Elianna J. Nuzum (elianna.nuzum@usdoj.gov, scheung@usa.doj.gov, scooper@usa.doj.gov, usama.ecf@usdoj.gov) , Magistrate Judge M. Page Kelley (honorable_page_kelley@mad.uscourts.gov, kellyann_moore@mad.uscourts.gov, kerry_ferguson@mad.uscourts.gov, patricia_macdougall@mad.uscourts.gov) , District Judge Leo T. Sorokin (alisha_jarwala@mad.uscourts.gov, amy_robinson@mad.uscourts.gov, honorable_leo_sorokin@mad.uscourts.gov, maximilian_crema@mad.uscourts.gov)
--Non Case Participants: Luciana Sousa (luciana_sousa@map.uscourts.gov)
--No Notice Sent:

Message-Id:9290562@mad.uscourts.gov
Subject:Activity in Case 1:20-cr-10213-LTS USA v. Rodriguez Notice Canceling Hearing or Other Deadline
Content-Type: text/html

United States District Court

District of Massachusetts

Notice of Electronic Filing

The following transaction was entered on 5/6/2021 at 11:14 AM EDT and filed on 5/6/2021

Case Name: USA v. Rodriguez

Case Number: 1:20-cr-10213-LTS

Filer:

Document Number: 31(No document attached)

Docket Text:

ELECTRONIC NOTICE CANCELLING HEARING as to Iyaury Rodriguez. In light of Joint Status Report, #[30], the Final Status hearing set in front of Chief Magistrate Judge Kelley on 5/10/21 is cancelled. Further status to be set. (Belmont, Kellyann)

1:20-cr-10213-LTS-1 Notice has been electronically mailed to:

Tracy A. Miner tminer@msdefenders.com

Elianna J. Nuzum elianna.nuzum@usdoj.gov, SCheung@usa.doj.gov, SCooper@usa.doj.gov, USAMA. ECF@usdoj.gov

Adam W. Deitch adam.deitch@usdoj.gov, sylvia.cooper@usdoj.gov

1:20-cr-10213-LTS-1 Notice will not be electronically mailed to:

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

NO. 20-cr-10213-LTS

v.

IYAUARY RODRIGUEZ,

Defendant.

ORDER ON EXCLUDABLE DELAY

KELLEY, U.S.M.J.

Defendant had a final status conference scheduled for May 10, 2021. The parties filed a joint status report asking that the final status be continued for sixty days (#30). The parties state that this case likely will be transferred to the Eastern District of Pennsylvania to be consolidated with a pending case against defendant, and so the case should stay in this session until the details of the transfer are worked out. The case is continued for a final status conference to July 9, 2021, at 10:45 a.m.

With the agreement of the parties, the Court finds that the interests of justice in this case, *i.e.*, to allow the parties time to review discovery and prepare for trial, outweigh the best interests of the public and defendant for a trial within seventy days of the date of indictment. Accordingly, it is hereby ORDERED that, pursuant to the provisions of 18 U.S.C. § 3161(h)(7)(A), the Clerk of this Court enter excludable time for the period from May 10, 2021, up to and including July 9, 2021.¹

¹ The parties are hereby advised that under the provisions of Rule 2(b) of the Rules for United States Magistrates in the United States District Court for the District of Massachusetts, any party may move for reconsideration by a district judge of the determination(s) and order(s) set forth herein within fourteen (14)

/s/ M. Page Kelley

M. PAGE KELLEY

United States Magistrate Judge

days after receipt of a copy of this order, unless a different time is prescribed by this court or the district judge. The party seeking reconsideration shall file with the Clerk of this Court, and serve upon all parties, a written notice of the motion which shall specifically designate the order or part thereof to be reconsidered and the basis for the objection thereto. The district judge, upon timely motion, shall reconsider the magistrate judge's order and set aside any portion thereof found to be clearly erroneous in fact or contrary to law. The parties are further advised that the United States Court of Appeals for this Circuit has indicated that failure to comply with this rule shall preclude further appellate review. See Phinney v. Wentworth Douglas Hospital, 199 F.3d 1 (1st Cir. 1999); Sunview Condo. Ass'n v. Flexel Int'l, 116 F.3d 962 (1st Cir. 1997); Pagano v. Frank, 983 F.2d 343 (1st Cir. 1993).

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--Case Participants: Adam W. Deitch (adam.deitch@usdoj.gov, sylvia.cooper@usdoj.gov) , Tracy A. Miner (tminer@msdefenders.com) , Elianna J. Nuzum (elianna.nuzum@usdoj.gov, scheung@usa.doj.gov, scooper@usa.doj.gov, usama.ecf@usdoj.gov) , Magistrate Judge M. Page Kelley (honorable_page_kelley@mad.uscourts.gov, kellyann_moore@mad.uscourts.gov, kerry_ferguson@mad.uscourts.gov, patricia_macdougall@mad.uscourts.gov) , District Judge Leo T. Sorokin (alisha_jarwala@mad.uscourts.gov, amy_robinson@mad.uscourts.gov, honorable_leo_sorokin@mad.uscourts.gov, maximilian_crema@mad.uscourts.gov)
--Non Case Participants: Luciana Sousa (luciana_sousa@map.uscourts.gov)
--No Notice Sent:

Message-Id:9363432@mad.uscourts.gov
Subject:Activity in Case 1:20-cr-10213-LTS USA v. Rodriguez Order on Motion to Transfer Case
Content-Type: text/html

United States District Court

District of Massachusetts

Notice of Electronic Filing

The following transaction was entered on 6/23/2021 at 2:02 PM EDT and filed on 6/23/2021

Case Name: USA v. Rodriguez

Case Number: 1:20-cr-10213-LTS

Filer:

Document Number: 34(No document attached)

Docket Text:

District Judge Leo T. Sorokin: ELECTRONIC ORDER entered re [33] Motion to Transfer Case to Eastern District of Pennsylvania as to Iyaury Rodriguez (1).

ALLOWED. (Pacho, Arnold)

1:20-cr-10213-LTS-1 Notice has been electronically mailed to:

Tracy A. Miner tminer@msdefenders.com

Elianna J. Nuzum elianna.nuzum@usdoj.gov, SCheung@usa.doj.gov, SCooper@usa.doj.gov, USAMA. ECF@usdoj.gov

Adam W. Deitch adam.deitch@usdoj.gov, sylvia.cooper@usdoj.gov

1:20-cr-10213-LTS-1 Notice will not be electronically mailed to: